To be dental directors

Howard K. Wyatt
Carl E. Johnson
David B. Scott
Maurice Costello

To be dental surgeons

Joseph Abramowitz
Donald M. Phillips

To be senior assistant dental surgeons

Harold E. Rosenau
Lowell W. Smith
Malcolm D. Lindeman
Richard W. Kristensen
Robert E. Mecklenburg
Leland S. Scott
John H. Holt
Richard J. Schilling
Ike Slodov
Robert K. Parkinson
Robert E. Drury
Rex A. Warnick
Irwin I. Ship
Richard T. White
Vernon E. Burge
Gene H. Wilskie
Tomm H. Pickles
Robert D. Amott
Paul Favero
Frederick L. Strammer
William H. Dahlberg
Edward J. Strow, Jr.
Garie Hillstead
William H. Hancock
Ronald Dubner

To be sanitary engineer directors

Eugene L. Lehr
Thomas H. Seltzer
Frederick C. Roberts, Jr.
Arthur H. Neill
Elroy K. Day
Oliver R. Placak
William W. Payne
Howard W. Chapman
William E. Holy
Richard J. Hammerstrom
Henry N. Doyle
Leonard B. Dworsky
Sylvan C. Martin
Howard W. Spence
Floyd B. Taylor
John D. Faulkner
Lawrence B. Hall
Ernest P. Dubuque
John R. Thoman
Frank A. Butrico
Bernard B. Berger
Lewis F. Warrick

To be senior sanitary engineers

Frederick K. Erickson
Arve H. Dahl
Richard P. Lonergan

To be sanitary engineers

Albert L. Platz
Frederick Nevins
Leland J. McCabe, Jr.
George R. Shultz
Paul W. Eastman, Jr.
Morton I. Goldman
Donald M. Keagy
Howard E. Ayer
James P. Sheehy
Frank A. Bell, Jr.
Charles C. Johnson, Jr.
Joseph M. Dennis
William H. Megonnell
Harry C. Vollrath III

To be senior assistant sanitary engineers

James C. Meredith
S. David Shearer, Jr.
Robert V. Thomann
Gerald M. Hansler
Robert G. Bostrom
Parker C. Reist
Gerald G. Vurek
Carl M. Walter
Jules B. Cohen
Richard Anderson

To be assistant sanitary engineers

Ronald J. Harron
Phillip E. Searcy

To be pharmacist directors

J. Solon Mordell
Reid M. Hovey

To be senior pharmacist

William E. Dudley

To be pharmacists

Paul H. Honda
Boris J. Osheroff
Lowell R. Pfau
Adelbert E. Briggs
Edward J. Vesey
Felix A. Conte

To be senior assistant pharmacists

Lawrence D. Smith
James R. Grigdesby
William H. Briner
Robert E. McKay
Paul O. Fehnel, Jr.
Walter J. Ludwig

To be scientist directors

H. Page Nicholson
Robert E. Serfling
Alan W. Donaldson
Libero Ajello
Isadore Zipkin
James E. Birren
Morris B. Ettinger
Herbert A. Sober
Malcolm S. Ferguson
Arthur L. Schade

To be senior scientists

Sanford M. Birnbaum
Melvin H. Goodwin, Jr.

To be scientists

James B. Longley
Myron J. Willis
Harry T. Miles, Jr.
John W. McDowell

To be senior sanitarian

William C. Miller, Jr.

To be veterinary officer director

Frank A. Todd

To be senior veterinary officer

Ernest S. Tierkel

To be veterinary officer

Keith T. Maddy

To be senior assistant veterinary officers

Charles W. McPherson
John E. Holman, Jr.
James L. McQueen
Gerald L. VanHoosier, Jr.

To be nurse directors

Mabelle J. Markee
Genevieve R. Sollen
Alice E. Herzig

To be senior nurse officer

Elsie E. Richardson

To be nurse officers

Lydia K. Oustaian
Helen Solomon
Janet L. Fitzwater
Helen M. Hanlon

To be senior assistant nurse officer

Jean A. McCollum

To be assistant nurse officer

Margaret J. Howe

To be dietitian director

Fonda L. Dickson

To be assistant therapists

James R. Walchen
James D. Edner

To be health services director

Robert Johnston

To be senior health services officer

John A. Donnell

To be health services officer

Mary P. Byrd

To be senior assistant health services officer

Kenneth F. Hunt

II. FOR APPOINTMENT

To be senior surgeons

John J. Brennan
Frank B. Rogers

To be surgeons

Joseph Cochin
Enrico A. Leopardi

To be senior assistant surgeon

Vincent A. Di Scala

To be senior assistant dental surgeon

Glen D. Elliott

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

Charles R. Ferguson, of Pennsylvania, to be a member of the Federal Coal Mine Safety Board of Review for the term expiring July 15, 1963.

DIPLOMATIC AND FOREIGN SERVICE

Arthur L. Richards, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

Joseph S. Farland, of West Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

A. Burks Summers, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

The following-named Foreign Service officers for promotion from the class of career minister to the class indicated:

To be career ambassadors

Livingston T. Merchant, of the District of Columbia.

James W. Riddleberger, of Virginia.
George V. Allen, of North Carolina.
Charles E. Bohlen, of the District of Columbia.
Ellis O. Briggs, of Maine.
Raymond A. Hare, of West Virginia.
Llewellyn E. Thompson, of Colorado.

IN THE NAVY

The nominations of Blaine E. Timmer, Jr., et al., for appointment and promotion in the Navy and Marine Corps, said nominations having been received on June 13, 1960.

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 24, 1960

The House met at 11 o'clock a.m.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Luke 6: 46: *Why call ye Me Lord, Lord, and do not the things which I say?*

Almighty God, as we daily feel the impulse to pray, may we be inspired with the will and the strength to make the adventure to become the kind of men and women which, in our noblest hours, we long to be and know we ought to be.

We beseech Thee to remove those impediments which hinder us in heeding Thy counsel and hold us back from walking in the way of duty that often seems to be the hard way of drudgery and darkness.

Give us a larger measure of that love which never spares itself in seeking to lift to the radiant levels of joy and peace all who are the victims of fear, troubled in spirit and haunted by bitter memories.

Hear us in the name of our blessed Lord who never seeks to rule us by force but by the winsomeness of His eternal love. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1516. An act for the relief of Juan D. Quintos, Jaime Hernandez, Delfin Buencamino, Soledad Gomez, Nieves G. Argonza, Felididad G. Sarayba, Carmen Vda de Gomez, Perfecta B. Quintos, and Bienvenida San Agustin;

H.R. 1600. An act for the relief of Francis M. Haischer;

H.R. 4251. An act to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of exploration expenditures;

H.R. 5033. An act for the relief of Betty Keenan;

H.R. 6712. An act for the relief of Sam J. Buzzanca;

H.R. 9921. An act to validate certain payments of additional pay for sea duty made to members and former members of the U.S. Coast Guard; and

H.R. 12705. An act to delay for 60 days in limited cases the applicability of certain provisions of law relating to humane slaughter of livestock.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2565. An act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations;

H.R. 6186. An act to amend titles 10 and 14, United States Code, with respect to reserve commissioned officers of the Armed Forces;

H.R. 8226. An act to add certain lands to Castillo de San Marcos National Monument in the State of Florida; and

H.R. 8229. An act to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 77. An act to establish the Chesapeake and Ohio Canal National Historical Park in the State of Maryland, and for other purposes;

S. 609. An act for the relief of the estate of Gregory J. Kessenich;

S. 817. An act for the relief of Freda Feller;

S. 2131. An act to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia approved May 25, 1954, as amended;

S. 2581. An act to amend the Act of June 1, 1948 (62 Stat. 281), to empower the Administrator of General Services to appoint nonuniformed special policemen; and

S. 2692. An act to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and facilities, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the general welfare, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2618. An act to authorize the exchange of certain war-built vessels for more modern and efficient war-built vessels owned by the United States.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5888) entitled "An act to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Mass., in exchange for certain other lands."

COMMITTEE ON RULES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow night to file certain rules and reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SUBCOMMITTEE ON INDIAN AFFAIRS OF COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CHEYENNE RIVER SIOUX TRIBE OF INDIANS OF SOUTH DAKOTA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4786) declaring certain lands to be held in trust for the Cheyenne River Sioux Tribe of Indians of South Dakota, with an amendment of the Senate thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 13, insert:

"SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. ARENDS. Mr. Speaker, reserving the right to object, has this been cleared with the ranking member on this side?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield, this has been cleared by the ranking member of the committee and also by the gentleman from South Dakota [Mr. BERRY].

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING EXCHANGE OF LAND BETWEEN UNITED STATES AND MASSACHUSETTS PORT AUTHORITY

Mr. VINSON. Mr. Speaker, I call up the conference report on the bill (H.R. 5888) to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Mass., in exchange for certain other lands, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1935)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5888) to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Massachusetts, in exchange for certain other lands, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendments:

In the Senate engrossed amendment after "SEC. 3." insert "(a)".

At the end of the Senate engrossed amendment add the following:

"(b) The Secretary of the Navy is authorized, with respect to any amount determined by him to be payable to the United States pursuant to the provisions of subsection (a), to waive such portion thereof, but not to exceed 50 per centum, as he deems equitable in consideration of the rent free use by the Department of the Navy in past years of the land conveyed hereunder by the Massachusetts Port Authority.

And the Senate agree to the same.

CARL VINSON,
PAUL J. KILDAY,
PHILIP J. PHILBIN,
L. C. ARENDS,
L. H. GAVIN,
Managers on the Part of the House.

RICHARD B. RUSSELL,
JOHN C. STENNIS,
HARRY M. JACKSON,
LEVERETT SALTONSTALL,
FRANCIS CASE
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5888) to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Massachusetts, in exchange for certain other lands, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

LEGISLATION IN CONFERENCE

On August 3, 1959, the House of Representatives passed H.R. 5888, a bill authorizing an exchange of lands between the Massachusetts Port Authority and the Depart-

ment of the Navy. On March 28, 1960, the Senate considered the legislation and amended it in certain respects.

PURPOSE OF THE BILL

The purpose of the bill is as indicated in its title.

PROPERTY TO BE EXCHANGED

The Navy property comprises 15.9 acres of land while the port authority property comprises 3.88 acres. The Navy property has been declared excess to the needs of the Boston Naval Shipyard and has been recommended for sale or outlease. It is clear from the foregoing that the Navy has no further requirement for the property to be conveyed by it.

Disparity in size and value

It would appear from the disparity in size of the acreages to be conveyed that the Navy-owned property would be of substantially greater value than that proposed for conveyance by the Massachusetts Port Authority. It appears also that throughout the hearings in both the House and the Senate the testimony indicated that there was a divergence of opinion as to whether there was an actual disparity in value and if such a disparity did exist, its extent.

Use of port authority by Navy

In the study of the possible difference in value between the two properties, both committees gave some consideration to the fact that the Navy Department has utilized the port authority's property for some 17 years without payment by the Navy for such use. There was general agreement that this use did not constitute consideration from a legal standpoint but that, even so, if the property to be conveyed by the Navy is of greater value, then the free use of the port authority property should, in equity, be given some weight.

Future use of the properties

The Navy would continue to use the land conveyed to it for parking, recreational, and other allied purposes. The port authority would utilize the property conveyed to it in connection with its plan for expansion of port facilities in the area.

HOUSE AND SENATE ACTIONS

The House committee reported out and the House of Representatives passed the bill in such fashion as to consider the exchange of lands an even exchange and without payment of consideration by either party.

The Senate committee added a section 3 to the bill which provided in subsection (a) that as a condition of the exchange of lands authorized by the act, the Secretary of the Navy shall require the Massachusetts Port Authority to pay an amount of money equal to the amount, if any, by which the fair market value of the property conveyed by the United States exceeds the fair market value of the property conveyed to the United States, as determined by the Secretary of the Navy.

Subsection (b) of section 3 as added by the Senate committee authorized the Secretary of the Navy, with respect to any amount determined by him to be payable to the United States pursuant to the provisions of subsection (a), to waive such portion thereof as he deems equitable in consideration of the rent-free use by the Navy in past years of the land to be conveyed by the Massachusetts Port Authority.

The Senate Committee version of the bill was amended on the floor by striking subsection (b) of section 3. This amendment had the result of requiring payment by the Massachusetts Port Authority of the difference in fair market value between the two properties as determined by the Secretary of the Navy.

ACTION BY CONFEREES

The conferees have agreed to reinsert subsection (b) of section 3 with an amendment. The amended subsection (b) would authorize the Secretary of the Navy, with respect to any amount determined by him to be payable to the United States pursuant to the provisions of subsection (a) to waive such portion, but not to exceed 50 per centum thereof, as he deems equitable in consideration of the rent-free use by the Department of the Navy in past years of the lands conveyed hereunder by the Massachusetts Port Authority. The House recedes with an amendment.

CARL VINSON,
PAUL J. KILDAY,
PHILIP J. PHILBIN,
L. C. ARENDS,
L. H. GAVIN,
Managers on the Part of the House.

Mr. VINSON (during the reading of the statement). Mr. Speaker, in view of the fact that the statement of the managers on the part of the House is printed in the RECORD, I ask unanimous consent to dispense with the further reading of the statement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VINSON. Mr. Speaker, this bill involves an exchange of lands between the Navy and the Massachusetts Port Authority.

Although it is not certain, it looks as though the Navy property is more valuable than the port authority land.

Also, the Navy has used the port authority land for some 17 years free of charge.

Section 3(a) of the bill requires the port authority to pay this difference in value. But, as agreed by the conferees, the Secretary of the Navy may waive not to exceed 50 percent of this difference if the Secretary feels that this is the equitable thing to do in view of the free use by the Navy of the port authority land for the 17 years.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDING TITLE V OF THE MERCHANT MARINE ACT, 1936, IN ORDER TO REMOVE CERTAIN LIMITATIONS ON THE CONSTRUCTION DIFFERENTIAL SUBSIDY UNDER SUCH TITLE

Mr. BONNER. Mr. Speaker, I call up the conference report on H.R. 10644, to amend title V of the Merchant Marine Act, 1936, in order to remove certain limitations on the construction differential subsidy under such title, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1953)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10644) to amend title V of the Merchant Marine Act, 1936, in order to remove certain limitations on the construction differential subsidy under such title, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

HERBERT C. BONNER,
THOR C. TELLEFSON,
WILLIAM K. VAN PELT,
Managers on the Part of the House.
JOHN O. PASTORE,
E. L. BARTLETT,
JOHN M. BUTLER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10644) to amend title V of the Merchant Marine Act, 1936, in order to change the limitation of the construction-differential subsidy under such title, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

AMENDMENT OF THE SENATE TO HOUSE BILL 10644

Title V of the Merchant Marine Act, 1936, as amended, authorizes the Federal Maritime Board to make construction-differential subsidy payments to American shipyards so that approved U.S. steamship companies can purchase new vessels at the estimated price, as determined by the Board, of building a similar vessel in a foreign shipyard. Under existing law the construction differential may not exceed 50 percent of the total domestic price of the vessel.

The House bill amended the existing law so as to raise the construction-differential subsidy ceiling to a maximum of 55 percent. The increased subsidy which might be payable by the United States would be applicable to construction contracts signed within 2 years from the date of enactment, and would be retroactive with respect to construction contracts covering vessels whose keels were laid after June 30, 1959.

The Senate amendment which struck all after the enacting clause adopted provisions substantially the same as the House bill as title I and added as title II a prohibition against the issuance of any ticket or pass for free or reduced rate of transportation to any official or employee of the U.S. Government or any member of their family traveling on a ship sailing under the American flag in foreign commerce or in commerce between the United States and its territories or possessions, with certain exceptions. The Senate amendment provided a penalty for violation of title II.

The House conferees receded from their disagreement on the part of the House, and the conference agreement retains the provisions of the House bill with the Senate amendment without change.

HERBERT C. BONNER,
THOR C. TOLLEFSON,
WILLIAM K. VAN PELT,
Managers on the Part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. BONNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, since 1956 an amendment has been offered and adopted in the Senate to various bills, including an appropriation bill, affecting the merchant marine in one way or another. This amendment, substantially the same in each instance, has purported to provide a prohibition against the issuance of any ticket or pass for free or reduced rate of transportation to any official or employee of the U.S. Government or any member of his family traveling on a ship sailing under the American flag in foreign commerce or in commerce between the United States and its Territories or possessions, subject to severe penalties for violation thereof. Heretofore, the amendment has been stricken in conference.

In the most recent instance, on a rollcall vote, the Senate voted 88 to 0 in favor of the amendment. In view of the overwhelming position of the Senate, the House conferees felt they had no choice but to recede from their disagreement in order to protect the passage of the basic legislation to which the amendment was added. This was done despite the opinion of many that the amendment was objectionable in a number of respects.

In order to keep the record straight, I wish to take this opportunity to state some of the objections which have been raised to the Senate amendment, and the manner in which it has been acted upon and which the Congress may have to correct at a later date by more orderly procedure.

These objections are as follows:

First. There is no appropriate place for the above noted provision in the bill. H.R. 10644 is a bill to amend title V of the Merchant Marine Act of 1936 in order to remove certain limitations on the construction differential subsidy under such title. The 1936 act does not provide for regulation regarding the carriage of passengers and this bill has no bearing on that subject. It is not germane.

Second. The amendment is extremely broad and diffuse. Its effect on existing law and existing procedures and practices within the various Government departments which would be affected could not be ascertained with certainty without full hearings.

Third. The subject of freight rates and passenger fares in offshore water transportation is covered by the regulatory provisions of the Shipping Act of 1916. The regulatory provisions of that act are presently under intensive study in the House, not only by the Committee on Merchant Marine and Fisheries, but by the Judiciary Committee.

Fourth. It is understood that the principal purpose of the proposal is to make it illegal for Representatives and Senators to receive free or reduced rate transportation for vacations on subsidized ships. Though the amendment has been tacked on to a total of five bills in the past several years, there has been no evidence presented to show the existence of the asserted evil.

Fifth. There may be legitimate occasions for free or reduced rate travel while on official business which would be prohibited. For example, department personnel such as Maritime Administration and Coast Guard employees, would on occasion have to travel on American ships in connection with their functions relative to the particular ships. Immigration officers travel on board passenger ships for the convenience of the traveling public. There are probably other instances which would come to light in the course of full hearings on the subject.

Sixth. As noted above, the apparent purpose of the proposal is to prohibit the granting of favors to officials who might be directly concerned with determination or granting of construction or operating subsidies under the 1936 act. The language of the amendment is considerably broader than is necessary to accomplish this result. It may have an undesirable effect on the operations of the Panama Canal Company, and it would frustrate the important and necessary part of the functions of the ships of the Panama Line to carry Government officials and employees at reduced rates. The ships do not receive any construction or operating subsidies and hence, the basic objection of the amendment is not applicable to them. This is similarly true with regard to all nonsubsidized shipping operations.

Seventh. The amendment would seem to be administratively difficult to handle and is not clear as to its meaning in all respects. Free or reduced rate transportation is likely to produce confusion where a vessel has a great variety of charges according to the quality of the accommodations furnished. It would seem better to tie the prohibitions to its tariff schedules. Also the phrase "or any other act" following reference to the Shipping Act of 1916 and the Merchant Marine Act of 1936 is vague and uncertain.

Eighth. It is a common practice of passenger carriers by water, once a voyage has commenced to move passengers to equal or better quarters which chance to be empty. This often means easier and more economical discharge of stewards' duties. There is no reason why reassignments for the convenience of the vessel should be denied in the case of Government officials and employees.

Ninth. A related problem relates to emergency evacuation of U.S. nationals from threatened areas, where the Congress would hardly wish to require Government employees and officials to pay full tariff rates in circumstances when private persons did not.

Tenth. The penalties provided for, that is, "not less than $500 nor more than $10,000 for each violation," seem to be beyond all reason for the type of offense involved.

Perhaps not all of these objections are valid. In any event, the House conferees did not feel that a House-Senate conference was the appropriate place to try to resolve the many questions raised by the amendment. There seemed no choice therefore but to accept, without change, the overwhelming action of the Senate. If difficulties arise as a result of enactment of this provision, I hope both Houses will act promptly to review the entire question under conditions where all its aspects may be thoroughly examined.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

TO AMEND SECTION 602 OF THE AGRICULTURAL ACT OF 1954

The Clerk called the bill (H.R. 8074) to amend section 602 of the Agricultural Act of 1954.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COURT OF CLAIMS JURISDICTION FOR CLAIMS OF CERTAIN EMPLOYEES FOR OVERTIME WORK PERFORMED FOR THE ALASKA RAILROAD

The Clerk called the bill (H.R. 4084) to confer jurisdiction upon the Court of Claims to determine the amounts due and owing and render judgment upon the claims of certain employees of the Alaska Railroad for overtime work performed.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PROVIDING FOR THE CARE AND TREATMENT OF RETURNING NATIONALS OF THE UNITED STATES WHO BECAME MENTALLY ILL IN A FOREIGN COUNTRY

The Clerk called the bill (H.R. 8127) to provide for the hospitalization, at St. Elizabeths Hospital in the District of Columbia or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2331), an identical bill pending before the Committee on Education and Labor.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That for the purposes of this Act, except as the context may otherwise require—

(a) The term "Department" means the Department of Health, Education, and Welfare.

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(c) The term "State" means a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(d) The term "eligible person" means an individual with respect to whom the following certificates are furnished to the Secretary:

(1) A certificate of the Secretary of State that such individual is a national of the United States; and

(2) Either (A) a certificate obtained or transmitted by the Secretary of State that such individual has been legally adjudged insane in a named foreign country, or (B) a certificate of an appropriate authority or person (as determined in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare) stating that at the time of such certification such individual was in a named foreign country and was in need of care and treatment in a mental hospital.

(e) The term "residence" means residence as determined under the applicable law or regulations of a State or political subdivision for the purpose of determining the eligibility of an individual for hospitalization in a public mental hospital.

SEC. 2. (a) Upon request of the Secretary of State, the Secretary of Health, Education, and Welfare is authorized (directly or through arrangements under this subsection) to receive any eligible person at any port of entry or debarkation upon arrival from a foreign country and, to the extent he finds it necessary, to temporarily care for and treat at suitable facilities (including a hospital), and otherwise render assistance to, such person pending his transfer or hospitalization pursuant to other sections of this Act. For the purpose of providing such care and treatment and assistance, the Secretary is authorized to enter into suitable arrangements with appropriate State or other public or nonprofit agencies. Such arrangements shall be made without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), and may provide for payment by the Secretary either in advance or by way of reimbursement.

(b) The Secretary may, to the extent deemed appropriate, equitable, and practicable by him, (1) require any person receiving care and treatment or assistance pursuant to subsection (a) to pay, in advance or by way of reimbursement, for the cost thereof or (2) obtain reimbursement for such cost from any State or political subdivision responsible for the cost of his subsequent hospitalization.

SEC. 3. If, at the time of arrival in the United States, the residence or the legal domicile of an eligible person appearing to be in need of care and treatment in a mental hospital is known to be in a State, or whenever thereafter such a person's residence or legal domicile in a State is ascertained, the Secreary shall, if the person is then under his care (whether directly or pursuant to a contract or other arrangement under section 2 or 4), endeavor to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for the care and treatment of such person by such authorities and shall, upon the making of such arrangement in writing, transfer and release such person to such authorities. In the event the State of the residence or legal domicile of an eligible person cannot be ascertained, or the Secretary is unable to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for his care and treatment, the Secretary may, if he determines that the best interests of such person will be served thereby, transfer and release the eligible person to a relative who agrees in writing to assume responsibility for such person after having been fully informed as to his condition.

SEC. 4. (a) Until the transfer and release of an eligible person pursuant to section 3, the Secretary is authorized to provide care and treatment for such person at Saint Elizabeths Hospital, at any other Federal hospital within or (pursuant to agreement) outside of the Department, or (under contract or other arrangements made without regard to section 3709 of the Revised Statues, as amended) at any other public or private hospital in any State and, for such purposes, to transfer such person to any such hospital from a place of temporary care provided pursuant to section 2. In determining the place of such hospitalization, the Secretary shall give due weight to the best interests of the patient.

(b) The authority of the Secretary to provide hospitalization for any person under this section shall not apply to any person for whose medical care and treatment any agency of the United States is responsible.

SEC. 5. (a) Any person admitted to any hospital pursuant to section 2 or section 4 shall, as soon as practicable, but in no event more than five days after the day of such admission, be examined by qualified members of the medical staff of the hospital and, unless found to be in need of hospitalization by reason of mental illness, shall be discharged. Any person found upon such examination to be in need of such hospitalization shall thereafter, as frequently as practicable but not less often than every six months, be reexamined and shall, whenever it is determined that the conditions justifying such hospitalization no longer obtain, be discharged or, if found to be in the best interests of the patient, be conditionally released.

(b) Whenever any person is admitted to a hospital pursuant to this Act, his legal guardian, spouse, or next of kin shall, if known, be immediately notified.

SEC. 6. (a) If a person who is a patient hospitalized under section 2 or section 4, or his legal guardian, spouse, or adult next of kin, requests the release of such patient, the right of the Secretary, or the head of the hospital, to detain him for care and treatment shall be determined in accordance with such laws governing the detention, for care and treatment, of persons alleged to be mentally ill as may be in force and applicable generally in the State in which such hospital is located, but in no event shall the patient be detained more than forty-eight hours (excluding any period of time falling on a Sunday or legal holiday) after the receipt of such request unless within such time (1) judicial proceedings for such hospitalization are commenced or (2) a judicial extension of such time is obtained, for a period of not more than five days, for the commencement of such proceedings.

(b) The Secretary is authorized at any time, when he deems it to be in the interest of the person or of the institution affected, to transfer any person hospitalized under section 4 from one hospital to another, and to that end any judicial commitment of any person so hospitalized may be to the Secretary.

SEC. 7. In the case of any person hospitalized under section 4 who has been judicially committed to the Secretary's custody, the Secretary shall, upon the discharge or conditional release of such person, or upon such person's transfer and release under section 3, notify the committing court of such discharge or conditional release or such transfer and release.

SEC. 8. (a) Any person hospitalized under section 4 or his estate, shall be liable to pay or contribute toward the payment of the costs or charges for his care and treatment to the same extent as such person would, if resident in the District of Columbia, be liable to pay, under the laws of the District of Columbia, for his care and maintenance in a hospital for the mentally ill in that jurisdiction. The Secretary may, in his discretion, where in his judgment substantial justice will be best served thereby or the probable recovery will not warrant the expense of collection, compromise or waive the whole or any portion of any claim under this section. In carrying out this section, the Secretary may make or cause to be made such investigations as may be necessary to determine the ability of any person hospitalized under section 4 to pay or contribute toward the cost of his hospitalization. All collections or reimbursement on account of the costs and charges for the care of the eligible person shall be deposited in the Treasury as miscellaneous receipts. Any judicial proceedings to recover such costs or charges shall be brought in the name of the United States in any court of competent jurisdiction.

(b) As used in this section, the term "costs or charges" means, in the case of hospitalization at a hospital under the jurisdiction of the Department of Health, Education, and Welfare, a per diem rate prescribed by the Secretary on a basis comparable to that charged for any other paying patients and, in the case of persons hospitalized elsewhere, the contract rate or a per diem rate fixed by the Secretary on the basis of the contract rate.

SEC. 9. Appropriations for carrying out this Act shall also be available for the transportation of any eligible person and necessary attendants to or from a hospital (including any hospital of a State or political subdivision to which an eligible person is released under section 3), to the place where a relative to whom any person is released under section 3 resides, or to a person's home upon his discharge from hospitalization under this Act.

SEC. 10. The following Acts are repealed, effective upon the date of enactment of legislation appropriating funds for carrying out this Act:

(a) The Act entitled "An Act to provide for the admission to Saint Elizabeths Hospital of insane persons belonging to the Foreign Service of the United States", approved October 29, 1941 (24 U.S.C. 191a).

(b) The Act entitled "An Act to provide for the repatriation of certain insane American citizens", approved March 2, 1929 (24 U.S.C. 196a).

SEC. 11. This Act shall, except as otherwise specified, take effect on the date of its enactment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 8127, was laid on the table.

TO PROVIDE FOR ADJUSTMENTS IN THE ANNUITIES UNDER THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

The Clerk called the bill (S. 1502) to provide for adjustments in the annuities under the Foreign Service retirement and disability system.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) The annuity of each retired officer who, on August 1, 1959, is receiving or entitled to receive an annuity from the Foreign Service Retirement and Disability Fund, based on service which terminated on or before July 31, 1959, shall be increased by 10 per centum.

(b) The annuity otherwise payable from the Foreign Service Retirement and Disability Fund to each survivor annuitant who, on August 1, 1959, is receiving or entitled to receive an annuity based on service which terminated on or before July 31, 1959, shall be increased by 10 per centum.

(c) The increases provided by subsections (a) and (b) of this section shall take effect on the first day of the first month which begins more than thirty days after the date of enactment of this Act.

SEC. 2. The annuity of each retired officer who, on or after August 1, 1959, is receiving or entitled to receive an annuity from the Foreign Service Retirement and Disability Fund, based on service which terminated on or after August 1, 1959, shall be increased on the first day of the first month which begins more than thirty days after the date of enactment of this Act or on the commencing date of annuity, whichever is later, in accordance with the following schedule:

If annuity commences between:	Annuity shall be increased by—
Sept. 1, 1959 and June 30, 1960	6 per centum
July 1, 1960 and June 30, 1961	4 per centum
July 1, 1961 and June 30, 1962	2 per centum

SEC. 3. The annuity of any survivor annuitant who, on or after August 1, 1959, is receiving or entitled to receive an annuity from the Foreign Service Retirement and Disability Fund, based on service which terminated on or after August 1, 1959, shall be increased on the first day of the first month which begins more than thirty days after the date of enactment of this Act or on the commencing date of annuity, whichever is later, in accordance with the following schedule:

If annuity commences between:	Annuity shall be increased by—
Sept. 1, 1959 and June 30, 1960	6 per centum
July 1, 1960 and June 30, 1961	4 per centum
July 1, 1961 and June 30, 1962	2 per centum

SEC. 4. No increase provided by the foregoing provisions of this Act shall be computed on any additional annuity purchased with voluntary contributions pursuant to the provisions of section 881 of the Foreign Service Act of 1946, as amended.

SEC. 5. Nothing contained in Public Law 85-882 shall operate to increase any annuity which commences on or after September 1, 1959.

SEC. 6. Section 5 of Public Law 503, Eighty-fourth Congress, is amended to read as follows:

"SEC. 5. In any case where a participant under the Foreign Service retirement and disability system died before August 20, 1954, leaving a widow who is not entitled to receive an annuity under the system and who is not receiving benefits under the Federal Employees' Compensation Act, the Secretary of State is authorized and directed to grant such widow an annuity of not to exceed $2,400 per annum."

With the following committee amendment:

Strike out all after the enacting clause and insert: "That (a) the annuity of each person heretofore or hereafter retired who, on or before June 30, 1962, is receiving or entitled to receive an annuity from the Foreign Service Retirement and Disability Fund shall be increased by 10 per centum.

"(b) The annuity of each widow survivor annuitant who, on or before June 30, 1962, is receiving a survivor annuity from the Foreign Service Retirement and Disability Fund is hereby increased by 10 per centum, or so much in excess thereof as will enable any such widow to receive a minimum annuity of $2,400 per annum.

"(c) No increase provided by this section shall be computed on any additional annuity purchased with voluntary contributions pursuant to the provisions of section 881 of the Foreign Service Act of 1946, as amended.

"(d) The increases provided by this section shall take effect on the first day of the first month which begins more than thirty days after the date of enactment of this Act, or on the commencing date of the annuity, whichever is later.

"SEC. 2. (a) Section 5 of Public Law 503, Eighty-fourth Congress, is amended to read as follows:

" 'SEC. 5. In any case where a participant under the Foreign Service Retirement and Disability System died before August 29, 1954, leaving a widow who is not entitled to receive an annuity under the System and who is not receiving benefits as a widow under the Federal Employees' Compensation Act, the Secretary of State is authorized and directed to grant such widow an annuity of $2,400 per annum.'

"(b) The amendment made by this section shall take effect on the first day of the first month which begins more than thirty days after the date of enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GORGAS MEMORIAL LABORATORY

The Clerk called the bill (H.R. 11123) to increase the authorization of appropriations for construction and equipment of facilities for the Gorgas Memorial Laboratory.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDING SECTION 402 OF THE FEDERAL PROPERTY AND ADMINISTRATION SERVICES ACT OF 1949

The Clerk called the bill (H.R. 9996), to amend section 402 of the Federal Property and Administrative Services Act of 1949, to prescribe procedures to insure that foreign excess property which is disposed of overseas will not be imported into the United States to the injury of the economy of this country.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

VALIDATING THE CONVEYANCE OF CERTAIN LAND IN THE STATE OF CALIFORNIA BY THE CENTRAL PACIFIC RAILWAY CO. AND THE SOUTHERN PACIFIC CO.

The Clerk called the bill (H.R. 6721) to validate the conveyance of certain land in the State of California by the Central Pacific Railway Co. and the Southern Pacific Co.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand there is an amendment to be offered to this bill to provide that the Government be paid the full market value for this land?

Mr. SAYLOR. Mr. Speaker, there has been a committee amendment, which was adopted, which requires that in this case the Federal Government shall receive the full appraised fair value of this property.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. FORD. Is an amendment to be offered?

Mr. SAYLOR. An amendment adopted in the committee will be offered if the bill is considered.

Mr. FORD. Do I see some member of the committee who is prepared to offer it?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield, if the bill is considered I will offer the amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3 of this Act, the conveyances executed by the Central Pacific Railway Company and the Southern Pacific Company, and described in section 2 of this Act, involving certain land in the county of San Joaquin, State of California, forming a part of the right-of-way granted by the United States to the Central Pacific Railway Company under the Act of Congress approved July 1, 1862 (12 Stat. 489), as amended by the Act of Congress approved July 2, 1864 (13 Stat. 356), are hereby legalized, validated, and confirmed, as far as the interest of the United States is concerned, with the same force and effect as if the land involved therein had been held by the Central Pacific Railway Company and the Southern Pacific Company at the time of such conveyances under absolute fee simple title.

SEC. 2. The conveyances referred to in the first section of this Act are as follows:

(1) The conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Company, grantors, and

the Tri-Valley Packing Association, grantee, on September 13, 1957, and recorded on November 13, 1957, in book 2016, page 149, official records of San Joaquin County, California.

(2) The conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Company, grantors, and the Estate of Aron Hershel (by Bank of America acting as trustee), grantee, on September 27, 1945. The land described in such conveyance is now vested in the Tri-Valley Packing Association by virtue of a quitclaim deed from the Bank of America, trustee under the last will and testament of Aron Hershel, deceased, recorded April 14, 1959, in official records book 2165, page 494.

SEC. 3. (a) Nothing in this Act shall be construed to—

(1) diminish the right-of-way referred to in the first section of this Act to a width less than fifty feet on either side of the center of the main track or tracks of the Central Pacific Railway Company and the Southern Pacific Company as established and maintained on the date of enactment of this Act; nor

(2) legalize, validate, or confirm any right, title, or interest in and to the land referred to in the first section of this Act arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance made by the Central Pacific Railway Company and the Southern Pacific Company before the date of enactment of this Act.

(b) There is hereby reserved to the United States all oil, coal, or other minerals in the land referred to in the first section of this Act, together with the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. ASPINALL. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 1, line 3, strike out "of this Act," and insert in lieu thereof "and on the conditions specified in section 4 of this Act,".

The amendment was agreed to.

Mr. ASPINALL. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 3, after line 18, add a new section to read as follows:

"SEC. 4. Section 1 of this Act shall be effective, with respect to each of the conveyances described in section 2, only upon payment to the United States within one year from the date of this Act of the present fair market value of the lands involved in those conveyances except such part thereof as is attributable to improvements on the lands which were not placed thereon by the United States and to mineral interests therein which are reserved to the United States by section 3, subsection (b), all as determined by the Secretary of the Interior. If the Central Pacific Railway Company and the Southern Pacific Company, or either of them, shall voluntarily pay over to the United States the consideration (other than nominal consideration, as determined by the Secretary) which they may have received for said conveyances, the Secretary shall issue a recordable certificate to the effect that such payment has been received and the amount required by the first sentence of this section to be paid to the United States shall be reduced accordingly. Nothing contained in this Act shall be construed as a waiver by the United States of its rights to recover said consideration from said companies, or either of them, and, if the payment required in the first sentence of this section is not made, to recover from any proper party rents, profits, or damages heretofore accrued or hereafter accruing and to seek and secure other appropriate relief."

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield.

Mr. McCORMACK. I understand the amendment calls for the fair market value.

Mr. ASPINALL. The gentleman is correct.

Mr. McCORMACK. The gentleman will recall we had other instances brought to the committee's attention where a 50,000-acre tract of land was approved for $195,000, yet within 6 weeks the value of that land jumped to over $7 million. Is the gentleman aware of that?

Mr. ASPINALL. The gentleman is aware of the situation to which the gentleman from Massachusetts makes reference.

Mr. McCORMACK. And in other instances a tract of 4,000 acres was sold or transferred for $12,000 and within 9 months the same land brought over $900,000. Is that correct?

Mr. ASPINALL. That is correct, but this is in a different category. The interests of the people of the United States are fully protected in this instance. The gentleman from Pennsylvania [Mr. SAYLOR] has been very insistent on this amendment.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, I am glad to support H.R. 6721 with the committee amendment that has been offered. I would oppose it without the amendment.

Over the last few years a series of bills have been before the Congress to ratify private transactions in public lands. The lands involved are lands through which certain western railroads were given rights of way by the United States during the 1860's and 1870's. H.R. 6721 is the latest of the series but, we have been warned, it will not be the last. In the other bills, as in this one, the proposal has been to validate purported transfers to private parties by the holder of the right of way.

In the present case, the act of July 1, 1862 (12 Stat. 489, 494), granted to the Central Pacific "the right-of-way through the public lands for the construction of its railroad and telegraph line. Grants of this sort have been variously described by the courts as easements, limited fees, and base fees. Whatever the words used, it has been consistently recognized that the right-of-way grant was made for railroad purposes only; that lands which were not used for this purpose, or which have ceased to be used for this purpose, are subject to reversion to the United States; that a patentee of lands traversed by the right-of-way acquires no interest in the lands underlying it; and that even in those cases where the right-of-way traverses lands acquired in fee by the railroad there is no such merger of the two interests as the law would recognize as occurring in other circumstances—*Northern Pacific Railway* v. *Townsend* (190 U.S. 267); *United States* v. *Union Pacific Railroad Co.* (353 U.S. 112); *City of Reno* v. *Southern Pacific Co.* (268 Fed. 751); *Holland Co.* v. *Northern Pacific Co.* (214 Fed. 920).

This has been known to be the law for many years, at least since the decision of the Supreme Court in Northern Pacific Railway against Townsend from which I quote these two passages:

> The grant was explicitly stated to be for a designated purpose, one which negated the existence of the power (on the part of the railroad company) to voluntarily alienate the right of way or any portion thereof. The substantial consideration inducing the grant was the perpetual use of the land for the legitimate purposes of the railroad, just as if the land had been conveyed in terms to have and to hold so long as it was used for the railroad right-of-way. In effect the grant was of a limited fee, made on an implied condition of reverter in the event that the company ceased to use or retain the land for the purpose for which it was granted (p. 271).
>
> As the grant of the right-of-way * * * preceded the filing of the homestead entries * * *, the land forming the right-of-way therein was taken out of the category of public lands subject to preemption and sale, and the land department was therefore without authority to convey rights therein. It follows that the homesteaders acquired no interest in the land within the right-of-way because of the fact that the grant to them was of the full legal subdivisions (p. 270).

Notwithstanding all this, the railroad companies identified in H.R. 6721 have undertaken to convey their interest in the lands covered by the bill to a private party. What they thought they were conveying and what the purchaser thought was being conveyed to him, the record does not show. As far as I can make out, the companies had nothing to grant and the purchaser received the same. In fact, the very act of conveyance—whether it was by warranty deed, quitclaim deed, or any other sort of instrument—is, in itself, proof of abandonment by the railroads of any rights they might have or claim, in my judgment. Yet for one of the tracts identified in H.R. 6721, the purchaser appears to have paid nearly $1,000 an acre and the bill proposes that, without getting a cent for its rights, the United States should simply waive them. I see no reason why the Government should be so much more generous than the right-of-way holder. And I see no reason why it should encourage the railroads and those who are occupying the rights-of-way to think, or to continue to think, that the lands through which they pass can be the subject of private barter and sales which the Congress will forthwith ratify and confirm.

The committee amendment will correct this impression. It provides that the bill shall become effective when the

party to whom the railroad conveyed the land pays the United States the current fair market value of the land. It permits this price to be reduced if the railroad conveyor turns over to the Government the amount that was paid to it. And it provides that if the purchase from the Government is not completed within 1 year, the Government will be free to take all action that may be proper to assert its rights with respect to the land.

Mr. Speaker, I recognize that the committee amendment runs contrary to precedents that have been set by other bills that the House has acted on in the past. I realize that it may, in some instances, run contrary to the act of March 8, 1922—44 Stat. 414, 43 U.S.C. 912—though there is no indication in the record that it does so in this case. But I think it high time that the Congress of the United States take a fresh look at this problem and that, unless there are clear and demonstrable equities requiring contrary action, it adhere to the policies embodied in the committee amendment. I intend to see to it, during the 87th Congress, that this reexamination is carried out and I am hereby serving notice that, until this is done, I shall insist on inclusion of the language of the present committee amendment, or something very close to it, in every bill of this type that comes out of the Interior and Insular Affairs Committee unless there is extraordinarily strong justification to the contrary.

CONCERNING CERTAIN FRAUDULENT GOVERNMENT CHECKS

The Clerk called the bill (H.R. 4390) for the relief of certain persons involved in the negotiation of forged or fraudulent Government checks issued at Parks Air Force Base, Calif.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is determined by the Secretary of the Treasury—

(1) to be liable to the United States by reason of the negotiation, or presentment for payment, of any forged or fraudulent check which, during the period beginning July 1, 1955, and ending March 31, 1958, both dates inclusive, was drawn on the Treasury of the United States and issued or procured as a result of fraud at Parks Air Force Base, California; and

(2) to have negotiated such check or presented it for payment, without actual knowledge of any fact which would constitute notice of an infirmity in such check or defect in the title of the person negotiating it; is hereby relieved of liability to the United States arising out of his negotiation of such check, or his presentment of such check for payment.

SEC. 2. (a) In the case of any person who has paid to the United States, on account of any check referred to in the first section of this Act, any amount for which the liability of such person would have been relieved by such first section if this Act had been in effect when such amount was paid to the United States, the Secretary of the Treasury is authorized and directed to pay to such person, out of any money in the Treasury not otherwise appropriated, an amount equal to all such amounts so paid to the United States by such person, reduced by any amounts recovered by such person from any prior endorser of such check.

(b) In the case of any person who has paid to a subsequent endorser of a check referred to in the first section of this Act any amount for which the liability of such person to the United States would have been relieved by such first section if such liability had required payment to the United States and this Act had been in effect when such amount was paid, the Secretary of the Treasury is authorized and directed to pay to such person, out of any money in the Treasury not otherwise appropriated, an amount equal to all such amounts so paid to any subsequent endorser, reduced by any amounts recovered by such person from any prior endorser of such check.

SEC. 3. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for all amounts for which liability is relieved by the first section of this Act, but nothing in this section shall preclude the recovery from any such certifying or disbursing officer of the amount of any loss incurred by the United States because of fraud or criminality on the part of such officer.

SEC. 4. Nothing in this Act shall be construed to relieve any person of liability to refund to the United States any amount received by him by reason of fraud or bad faith on the part of such person in connection with the negotiation of the checks referred to in paragraph (1) of the first section of this Act.

SEC. 5. No part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATUE OF TARAS SHEVCHENKO

The Clerk called the resolution (H.J. Res. 311) authorizing the erection of a statue of Taras Shevchenko on the public grounds of the District of Columbia.

There being no objection, the Clerk read the resolution, as follows:

Whereas throughout Eastern Europe, in the last century and this, the name and works of Taras Shevchenko brilliantly reflected the aspirations of man for personal liberty and national independence; and

Whereas Shevchenko, the poet laureate of Ukraine, was openly inspired by our great American tradition to fight against the imperialist and colonial occupation of his native land; and

Whereas in many parts of the free world observances of the Shevchenko centennial will be held during 1961 in honor of this immortal champion of liberty; and

Whereas in our moral capacity as free men in an independent Nation it behooves us to symbolize tangibly the inseparable spiritual ties bound in the writings of Shevchenko between our country and the 40 million Ukrainian nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any association or committee organized for such purpose within 2 years from the date of the enactment of this joint resolution is hereby authorized to place on the public grounds of the District of Columbia a statue of the Ukrainian poet and national leader, Taras Shevchenko.

(b) The authority granted by subsection (a) of this section shall cease to exist, unless within 5 years after the date of enactment of this joint resolution (1) the erection of the statue is begun, and (2) the association or committee certifies to the Secretary of the Interior the amount of funds available for the purpose of the completion of the statue and the Secretary determines that such funds are adequate for such purpose.

SEC. 2. The Secretary of the Interior is authorized and directed to select an appropriate site upon which to erect the statue authorized and directed to select an approof the site and the design and plans for such statue shall be subject to the approval of the Commission on Fine Arts and the National Capital Planning Commission. Such statue shall be erected without expense to the United States.

With the following committee amendment:

Page 2, lines 5 and 6, strike "the public grounds of the District of Columbia" and insert in lieu thereof "land owned by the United States in the District of Columbia."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARKER FOR FORMER COMMISSIONER OF RECLAMATION JOHN C. PAGE

The Clerk called the resolution (H.J. Res. 416) to provide for the erection in the city of Page, Ariz., of an appropriate marker to commemorate the achievements of former Commissioner of Reclamation John C. Page.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. KYL. Mr. Speaker, I ask that this resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RELATING TO IMPORTED WALNUTS AND DATES

The Clerk called the bill (H.R. 12341) to amend section 8e of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, so as to provide for the extension of the restrictions on imported commodities imposed by such section to imported shelled walnuts, dates with pits, dates with pits removed, and products made principally of dates.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANDERSEN of Minnesota. Mr. Speaker, reserving the right to object, I would like some more information as to the purposes of this bill. It is surprising to say the least to see a bill of this nature brought before us because I have found that the Congress as well as most officials

in the executive branch tend to look the other way when you get on the subject of agricultural imports.

In the last few days we have debated the problems of American agriculture and of farm people, but little or no attention has been given to the very serious impact of agricultural imports despite the splendid efforts of the gentleman from Minnesota [Mr. LANGEN] and the gentleman from Iowa [Mr. KYL] to get the matter before us. It was most unfortunate that the Kyl amendment was ruled out of order when we had the farm bill before us yesterday, and I hope the appropriate committees of the Congress go into the import question in the very near future.

It is one thing for American farmers to subsidize our own people through low farm commodity prices and another for them to be called upon to subsidize people in other nations by means of large volume imports. Just last year, more than $4 billion worth of agricultural commodities were imported into the United States and the flood continues.

I have been fighting this battle for many years and commend the gentleman from California for what I think may be a step in the right direction. Some of our senior colleagues know the fight I have made and some may recall a speech I made here in the House of Representatives back in 1950 in which I vigorously protested huge imports of potatoes, barley, oats, pork, and eggs. All of these were surplus commodities then as they are now, and yet the imports poured in to depress our markets for our own producers.

The volume of agricultural imports represents about 26 percent of our total imports, and yet our agricultural economy is only about 7 percent of our total gross output. In other words, the lowest segment of our economy is required to bear a burden of imports almost four times as great as its proportionate share of our national economy.

I can appreciate the concern of the gentleman from California [Mr. SAUND], because I know these imports are hurting his producers economically. The walnut crop in California is, I believe, a $30 million crop, but that is not much in comparison with our multi-billion-dollar feed and livestock economy which has been equally hurt by imports.

Last year we imported about 1.3 billion pounds of carcass beef and 205 million pounds of pork, not to mention lamb and other imports. If our own farmers had supplied that beef and pork market, we would have consumed an additional 450 million bushels of corn and there would not be a surplus of corn to worry about. As a matter of fact, without these competing imports we probably would not even be arguing in the Congress about price supports because they would probably not be needed for purposes other than orderly marketing. Actually, if we had only reduced meat imports an average of 20 percent during the last 10 years we could have consumed feed grains to produce that amount of meat equivalent to our entire present surplus of corn.

I know that the gentleman from California has been sympathetic with the problems of Midwest agriculture and I want to be equally fair with him. Yesterday, as I recall, he was one of the few if not the only Member from California to vote for the farm bill and that must not be forgotten. I commend the gentleman for his vote yesterday, and I commend him for bringing this import question before us. I would be most pleased to join him in a move to protect American farmers from ruinous imports but, as I understand the bill before us, it does not face up to the whole question and deals only with two commodities produced in a limited area of the United States.

Mr. SAUND. This relates to the two commodities, dates and walnuts.

Mr. ANDERSEN of Minnesota. I understand this will give these particular commodities a preferred position against competing imports; is that it?

Mr. FORD. Mr. Speaker, at the request of another Member, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

JANE ADDAMS CENTENNIAL

The Clerk called House Joint Resolution 658, to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House.

There being no objection, the Clerk read the House joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to proclaim September 6, 1960, as a day upon which all Americans should pay honor and respect to Jane Addams, founder and leader of Chicago's Hull House.

SEC. 2. All departments and agencies of the Government are hereby authorized to cooperate with any civic and patriotic organizations which may be conducting ceremonies in commemoration of the birth of Jane Addams. The Secretary of Health, Education, and Welfare is hereby authorized and directed to act as the coordinating officer between such civic and patriotic organizations and the departments and agencies of the Government.

With the following committee amendment:

On page 1, line 7, strike out all of section 2.

The committee amendment was agreed to.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DETERMINING THE STATUS OF THE PERSONNEL AT THE MERCHANT MARINE ACADEMY

The Clerk called the bill (H.R. 5383) to amend section 216 of the Merchant Marine Act, 1936, as amended, to clarify the status of the faculty and administrative staff at the U.S. Merchant Marine Academy, to establish suitable personnel policies for such personnel, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DEROUNIAN. Mr. Speaker, I object.

AMENDING DEFINITION OF TOTAL COMMISSIONED SERVICE OF CERTAIN OFFICERS OF THE NAVAL SERVICE

The Clerk called the bill (H.R. 12415) to amend section 6387(b) of title 10, United States Code, relating to the definition of total commissioned service of certain officers of the naval service.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6387(b) of title 10, United States Code, is amended by striking out the words "has been continuously" in clause (a) and inserting the words "is, or at any time has been," in place thereof.

With the following committee amendment:

On line 5, strike "(a)" and insert "(2)".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASING THE PAY OF CERTAIN PERMANENT PROFESSORS AT THE U.S. ARMY AND AIR FORCE ACADEMIES

The Clerk called the bill (H.R. 12313) to increase the pay of certain permanent professors at the U.S. Military Academy and the U.S. Air Force Academy.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask a question or two of some member of the Committee on Armed Services of the House concerning this bill.

In reading the report I do not recall being able to find out what the pay is for instructors at the Academy at West Point.

Mr. KILDAY. Mr. Speaker, if I might explain briefly, the instructors at the Military Academy have military rank or rating. They are nominated by the President, and confirmed by the Senate as professors at the U.S. Military Academy. They are either lieutenant colonels or colonels, depending upon the length of service which they have.

When a Regular officer becomes a professor at the Military Academy he forfeits all prospect of being promoted beyond colonel. There is only one professor at the Military Academy who can be a general officer, and he is a brigadier general and dean.

These officers are not retired under the same law as other officers. They remain on active duty until they reach the age of 64. This results in their receiving their last pay increment after about 26 years of service.

This bill would give them an additional pay increment after 31 years of service, and an additional increment at the end of 36 years of service. They would wind up with less pay than a brigadier general of the line.

Mr. GROSS. What is the present pay of these colonel and lieutenant colonel instructors at West Point?

Mr. KILDAY. From $910 a month to $985 a month.

Mr. GROSS. This would increase them to what?

Mr. KILDAY. To about $1,015 or $1,020 per month.

Mr. GROSS. Is free housing furnished these officers?

Mr. KILDAY. They are entitled to the same quarters allowance as any other officer, but, as a matter of fact, practically all of them have quarters in kind. They have quarters on the post. This would raise them to about the average pay of a professor of this category in our major universities. There are only 21 professors at the Military Academy, and this would affect 10 of them.

Mr. GROSS. They are not included at the Naval Academy?

Mr. KILDAY. At the Naval Academy they have an entirely different system. Their professors are civilians. They are not controlled by military pay.

Mr. GROSS. Is this designed as an equalization measure between the Academies?

Mr. KILDAY. No; it is not. It is felt that you pick your most capable officers as professors at the Military Academy. You take the caliber of men who can reasonably hope to be general officers. They forego any chance of becoming a general officer by becoming professors there. You retain them on active duty for a longer period of time than the officers of the line. It is fair and equitable to give them these two additional increments in pay and to place them on about the same rate of pay as the heads of departments in other major universities.

Mr. GROSS. I thank the gentleman for his explanation, and withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the table for "COMMISSIONED OFFICERS" in section 201(a) of the Career Compensation Act of 1949, as amended (37 U.S.C. 232(a)), is amended—

(1) by inserting a footnote "3" after the figure "985.00" in the column relating to commissioned officers with over 30 years of service; and

(2) by adding the following footnote after footnote 2:

"3. While serving as a permanent professor at the United States Military Adademy or the United States Air Force Academy basic pay for this grade is $1,065, if the officer has over 31 cumulative years of service, and $1,145, if the officer has over 36 cumulative years of service."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENLISTMENT OF ALIENS IN REGULAR ARMY AND AIR FORCE

The Clerk called the bill (H.R. 2367) to amend section 3253 of title 10, United States Code.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone on the House Committee on Armed Services to explain to me how this bill, if it does, differentiates between alien enlistees and alien inductees.

Mr. KILDAY. Mr. Speaker, if the gentleman will yield, I would like to say to the gentleman from Iowa that this bill was offered by the gentleman from Pennsylvania [Mr. WALTER], chairman of the Immigration and Nationality Subcommittee, and I will ask him to explain it.

Mr. WALTER. Mr. Speaker, the purpose of this bill is to permit aliens in the armed services to reenlist abroad where they have not obtained first papers. Under the provisions of the Immigration and Nationality Code, we made the obtaining of first papers purely optional. It is not a requisite for citizenship. But, under the code, which is applicable not only to the Army but to the Air Force, one of the requirements necessary in order to reenlist is that the alien have first papers. Now, the result is that aliens who have completed their terms of service abroad are unable to reenlist without coming back to the United States and obtaining their first papers, at considerable cost to the alien.

Mr. GROSS. Is there any difference now in the status of an alien who enlisted and one who was inducted into the service, who seeks to reenlist? Is there any difference in their status?

Mr. WALTER. No; there is no difference whatsoever. The sole question is: Has this alien, who wishes to reenlist, served honorably?

Mr. GROSS. I thank the gentleman for his explanation, and I withdraw my reservation of objection, Mr. Speaker.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, I urge the enactment of H.R. 2367, a bill which I introduced last year for the purpose of eliminating from section 3253 of title 10, United States Code, the requirement of the so-called first papers or declaration of intention to become a U.S. citizen in the case of an alien who desires to enlist in the U.S. Army.

In the course of my continuous studies and inquiries pertaining to immigration matters and to the broader aspect of the status of aliens in the United States, I have discovered that although certain categories of aliens are subject to the draft, pursuant to the Selective Service Act, as amended, there exists a rather outdated provision (sec. 3253 of title 10, U.S.C.), under which no original enlistment may be accepted unless the otherwise eligible alien has made "a legal declaration of intention to become a citizen of the United States."

As you know, the Immigration and Nationality Act eliminated such declaration as a prerequisite to naturalization and has, in section 3349(f) made that declaration—often referred to as "first papers"—merely an option matter, without any bearing whatsoever on the alien's eligibility to become a citizen of the United States.

I am informed by the Immigration and Naturalization Service that the number of aliens applying for those "first papers" is rapidly diminishing. I am not surprised to learn this, inasmuch as it was quite clear that the Congress intended to eliminate "first papers" as a rather confusing and unnecessary step in the process of naturalization.

The retention of the requirement contained now in section 3253 of title 10, United States Code, leads to rather unfortunate situations which I had an opportunity to observe myself. Take the case of an alien who was drafted and in the course of his service was sent to Europe or to some remote area in or around the Pacific. When his time of service is about to expire and he desires to enlist in the Regular Army, he must secure "a declaration of intention to become a citizen of the United States." He can do this only in the United States by making an application at the office of the clerk of a court authorized to naturalize aliens. The Army does not provide transportation for that purpose, and the alien is faced with the alternative to either incur the expense or to give up his intention to enter the Regular Army. I am told that in this manner the Army has lost, and is still losing, some valuable servicemen.

I believe that the elimination of the requirement contained in section 3253 would be perfectly in line with the naturalization requirements of the Immigration and Nationality Act and specifically with its section 330, providing for expeditious naturalization of alien servicemen after 3 years of service on the condition that they were previously lawfully admitted for permanent residence in the United States and, of course, served honorably.

The chairman of the Armed Services Committee has sent me a copy of a report on my bill submitted by the Secretary of the Army, Mr. Brucker, and I am happy to note that the Department of Defense favors the enactment of my bill with clarifying amendment, perfectly agreeable to me.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 3253 of title 10, United

States Code, is hereby amended to read as follows:

"(c) In time of peace, no person may be accepted for original enlistment in the Army unless he has been lawfully admitted to the United States for permanent residence in accordance with all the applicable provisions of the Immigration and Nationality Act (66 Stat. 163)."

With the following committee amendment:

Strike out all after the enacting clause and insert: "That title 10, United States Code, is amended as follows:

"'(1) Section 3253(c) is amended to read as follows:

"'"(c) In time of peace, no person may be accepted for original enlistment in the Army unless he is a citizen of the United States or has been lawfully admitted to the United States for permanent residence under the applicable provisions of chapter 12 of title 8."

"'(2) Section 8253(c) is amended to read as follows:

"'"(c) In time of peace, no person may be accepted for original enlistment in the Air Force unless he is a citizen of the United States or has been lawfully admitted to the United States for permanent residence under the applicable provisions of chapter 12 of title 8."'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time and passed.

The title was amended so as to read: "A bill to amend sections 3253 and 8253 of title 10, United States Code."

A motion to reconsider was laid on the table.

PAY OF CERTAIN RETIRED OFFICERS OF ARMED FORCES

The clerk called the bill (H.R. 1970) relating to the retired pay of certain retired officers of the Armed Forces.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I have one question on this bill. Is there any possibility of anyone collecting compensation retroactively under the terms of this bill?

Mr. KILDAY. No; not retroactively.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That commissioned officers of the Army, Navy, Marine Corps, Coast Guard, or Air Force, who have heretofore been advanced on the retired list to a higher commissioned rank under the Act of June 21, 1930, as amended (10 U.S.C. 1028a; 34 U.S.C. 399c), shall be entitled to retired pay based upon the rank in which retired unless entitled to higher retired pay under some other provision of law.

SEC. 2. This Act shall apply with respect to retired pay for periods after September 30, 1949.

With the following committee amendments:

On page 1, lines 6 and 7, strike out the citation "(10 U.S.C. 1028a; 34 U.S.C. 399c)" and insert in lieu thereof the citation "(46 Stat. 793), as amended,".

On page 1, lines 10 and 11, strike out section 2 in its entirety, and insert in lieu thereof the following:

"SEC. 2. No person is entitled to an increase in retired or retirement pay because of this Act for any period before the effective date of this Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN PERSONS TO DO NOTARIAL ACTS IN ARMED FORCES

The Clerk called the bill (H.R. 12265) to amend title 10, United States Code, to authorize certain persons to administer oaths and to perform notarial acts for persons serving with, employed by, or accompanying the Armed Forces outside the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 936(a) of title 10, United States Code, is amended by inserting the words "by persons serving with, employed by, or accompanying the armed forces outside the United States and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands," after the words "wherever they may be," in the introductory clause.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LIMITATIONS ON TRANSPORTATION OF HOUSEHOLD EFFECTS

The Clerk called the bill (H.R. 12570) to amend section 303(c) of the Career Compensation Act of 1949 by imposing certain limitations on the transportation of household effects.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like first of all to commend the committee for this bill. I think it is certainly a good step in the right direction in trying to cure some of the abuses that have occurred with respect to the transportation of effects of people in the services. I think it is absolutely fantastic, some of the things that have been going on, and I am glad to see that the committee is trying to do something about it.

Mr. RIVERS of South Carolina. Mr. Speaker, if the gentleman will yield, this bill does try to close loopholes now existing. As you know, it came about by a report of the Comptroller General to the Congress in April of this year in citing certain extravagant abuses in connection with the transportation of household goods. In the other body an amendment was placed to the public works bill to correct the situation, and the chairman of our committee appointed a special subcommittee to look into the matter.

As a result of that hearing, this bill was drafted to plug these loopholes. The 13 shipments which the Comptroller General reviewed showed that $125,000-odd was spent when some $23,000 could have been spent on the transportation of household goods if another mode of transportation had been used.

We went into this matter very fully. We are now looking into it to find out who had been so indiscreet. Let me say that this bill does render a good service in this regard and I am sure it does plug that loophole.

Mr. Speaker, I am very complimented as is the committee on what the distinguished gentleman has had to say.

Mr. GROSS. Mr. Speaker, I am pleased to hear that the committee is pursuing this matter. I assume the gentleman from South Carolina is chairman of the subcommittee that is handling this. I should like to ask one more question. Has any penalty been visited upon the administrative officer or officers who permitted these outlandish expenditures?

Mr. RIVERS of South Carolina. We went into that and I can tell the gentleman this: His future is very dim, indeed.

Mr. GROSS. Mr. Speaker, I thank the gentleman; I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 303(c) of the Career Compensation Act of 1949, as amended (37 U.S.C. 253(c)), is amended by adding the following new sentence after the first sentence thereof: "However, no transportation of the household effects (except not to exceed one thousand pounds of unaccompanied baggage) of a member of any uniformed service may be made by commercial air carrier at an estimated overall cost exceeding the estimated overall cost of the transportation thereof by other means unless an appropriate transportation officer has certified in writing to his commanding officer that the household effects to be so transported are required for use in carrying out assigned duties, or are necessary to prevent undue hardship, and other means of transportation will not fulfill these requirements."

(b) This Act shall take effect on the first day of the second month beginning after the date of enactment.

With the following committee amendment:

On page 1, line 7, after the word "except" strike out the words "not to exceed one thousand pounds of unaccompanied baggage", and insert in lieu thereof the words "that not to exceed one thousand pounds of unaccompanied baggage may be transported by commercial air carrier under regulation to be issued under the authority of the Secretary of Defense, which regulations shall be uniform as far as practicable."

The committee amendment was agreed to.

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS of South Carolina. Mr. Speaker, in April of 1960, the Comptroller General submitted a report to the Congress concerning a review of certain selected commercial air shipments of household goods owned by military personnel.

The Comptroller General said that the cases his office reviewed indicated that air transportation was used in instances where adequate surface transportation was available at much lower costs.

The General Accounting Office examined 13 shipments by commercial air which cost the Federal Government $125,470. They said the same shipments could have been made by water at a cost of about $23,000.

Thereafter, the Senate Armed Services Committee amended the House-passed Public Works bill by adding an amendment to section 303(c) of the Career Compensation Act that would have prohibited the transportation of baggage or household effects belonging to members of the uniformed services by commercial air carrier at a rate exceeding the cost of transportation by other means, except upon certification by the Comptroller or Deputy Comptroller of the Department concerned, that military requirements did not permit the transportation of these effects by less expensive means.

The House and Senate conferees agreed that the evidence pointed toward the need for legislation on this subject, but felt that the subject matter should not be handled in a public works bill.

Thereafter the chairman, the gentleman from Georgia [Mr. VINSON], appointed a special subcommittee to look into the matter.

The special subcommittee made inquiry into alleged abuses in the use of commercial air freight for shipment of baggage and household effects owned by members of the armed services, made its report to the committee, recommended enactment of H.R. 12570, and the committee unanimously approved the bill.

At the outset, I believe I should advise you that existing law, section 303(c) of the Career Compensation Act of 1949, authorizes the transportation of baggage and household effects at Government expense on any change of station, permanent or temporary, "without regard to the comparative costs of the various modes of transportation."

The law is now wide open—this bill closes the door.

I mention this so that during this debate we will all understand that everything that has taken place in the past that is not contrary to regulations, has been legal, even though it may have been stupid.

Of course, we cannot pass laws to prevent stupidity.

And anybody who authorizes household effects to be shipped by commercial air carrier from Texas to Pakistan at the cost of $14,830 appears, to me, to be stupid.

Now I also should mention that the regulations that are now in effect are contained in what is known as the Joint Travel Regulations.

Paragraph 8402 is entitled "Method of Shipment."

Subparagraph 1(a) authorizes shipment of not to exceed 500 pounds net weight by an expedited mode of transportation for certain articles "required for use in carrying out assigned duties" or "required because of exigencies of the service" when shipment by ordinary means will not serve the purpose.

Now this is an express shipment that is authorized for every move, if it can be justified, but it is limited to 500 pounds.

Subparagraph (2) deals with the ordinary means of shipping baggage and household effects and it provides, among other things, that shipment may be made by various modes of transportation without regard to comparative costs:

> However, disregard of comparative costs of the various modes of transportation is authorized only to the extent carriers within the mode which would produce the lowest overall cost to the Government cannot provide the required service satisfactorily.

The shipping officer, under the regulations in subparagraph 2(b), decides the mode of transportation.

From reading these regulations it appears that the decision still rests with the local transportation officer. However, according to the Comptroller General's report of December 10, 1959, the Army Chief of Transportation is the only authorizing agency for the movement of household goods by commercial air transportation for the Army.

In November of 1958 the Bureau of Supplies and Accounts informed all transportation officers that "henceforth shipment by air be restricted to those instances where valid requirement of owner's orders and timing is concurred in by shipping officer or where no additional transportation will be incurred."

But, again, it appears that the local transportation officer still makes the decision in the Navy, while the Chief of Transportation makes the decision in the Army, and the matter is still under study in the Air Force.

As I stated previously, and I repeat, it appears that certain decisions with regard to commercial air transportation were stupid.

On the other hand, I would again inform the House that in an attempt to legislate against administrative stupidity, we must not go so far that we end up by adding to the already heavy cost of moving people and things in our armed services.

There are times when it is cheaper to move freight by air than by any other means.

This can come about because of the different type of packing and crating that is required if a shipment involves different modes of transportation. Breakage, pilferage, and other matters must be considered.

The objective of our bill is to impose reasonable restrictions, by law, where none now exist, on the movement of baggage and household effects by commercial air carriers, bearing in mind that any legal restrictions we impose must provide sufficient flexibility to take care of situations which necessitate or justify the use of commercial air carriers.

This bill, as amended, imposes certain limitations on the shipment of household goods by air freight where such shipments cannot be justified by reasonable interpretation of any existing or suggested criteria.

There is, under existing law, a maximum weight shipment allowance of 11,000 pounds, which decreases by grade.

Within the maximum weight allowance for grades and ratings, there are varying applications of additional restrictions with regard to expedited express shipments, and shipment by means of transportation other than the lowest cost method.

For example, the Air Force, at present, permits a general officer to airfreight not to exceed 1,000 pounds of unaccompanied baggage plus additional amounts of 350 pounds for each of his dependents over the age of 12, and 175 pounds for each of his dependents under the age of 12.

The Army limits the maximum weight allowance to 800 pounds for a general officer for airfreight movement of unaccompanied baggage, and with identical additional amounts for dependents.

On the other hand, the Navy, while not utilizing airfreight to any extent, feels that the regulations would authorize their use of greater weight allowances if they desired to utilize such additional amounts, on the basis of the regulation.

In other words, the regulations for each service, while based upon the Joint Travel Regulation, are tailored to the needs of each service.

But under existing law, all household goods could be moved by airfreight. The proposed legislation imposes a restriction.

The committee intends that the proposed legislation be construed as a limitation on the movement of household goods by commercial air except when such transportation can be justified in accordance with the proposed legislation. In addition, while the committee's proposal as amended, excludes the first 1,000 pounds of the weight allowance of household goods when shipped as unaccompanied baggage, nevertheless the movement of unaccompanied baggage by airfreight must still be justified under such practicable uniform regulations as may be hereafter promulgated under the authority of the Secretary of Defense.

Furthermore, the recommended legislation, which excepts 1,000 pounds of unaccompanied baggage from the limitation contained in the proposal is not intended to preclude the air shipment of additional amounts of unaccompanied baggage or household goods when the shipment of those goods or baggage by airfreight is competitive with, or cheaper than other modes of transportation.

It should also be observed that the 1,000 pounds exclusion from the proposed limitation is to be construed as part of the total weight allowance. In other words, the exclusion is not intended to permit an addition to the otherwise limited weight allowance. Thus, the unaccompanied baggage allowance of not to exceed 1,000 pounds

will be chargeable to the total weight allowance authorized for the individual member.

If the proposal is enacted into law, it will result in a reduction in the allowance now in effect for certain members of the uniformed services and their dependents who, under exacting regulations may now ship "unaccompanied baggage" by airfreight in aggregate amounts in excess of 1,000 pounds.

The proposed legislation also requires "an appropriate transportation officer" to certify "in writing to this commanding officer" certain facts.

In certifying that airfreight should be authorized, as distinguished from the movement by airfreight of not to exceed 1,000 pounds of "unaccompanied baggage," the transportation officer must certify in writing that the household goods to be commercially airfreighted are required for use in carrying out assigned duties or are necessary to prevent undue hardship. The first requirement is dictated by the orders applicable to the member himself, since it is obvious that only he can perform an assigned duty. The second requirement applies to the member or his dependents with respect to an authoritative determination concerning the prevention of "undue" hardship. However, the overriding consideration is in the sound traffic management judgment of the transportation officer that other means of transportation will not fulfill these requirements.

For example, an individual, who, with his family, is assigned to an area where the appropriate command has determined that there are very limited furnished quarters, or where available quarters do not include the basic needs of daily living, would be authorized to ship his household goods by airfreight if other less expensive means would result in living under adverse conditions for an unreasonable period of time.

On the other hand, if an individual is merely inconvenienced for a reasonably short time and his dependents suffer this inconvenience with him, and neither his health and welfare, nor that of his dependents, are adversely affected, then commercial airfreight should not be authorized, unless, of course, it could be utilized at the lowest transportation cost.

It is not intended that American service personnel and their dependents suffer because the member has been assigned to duty in a foreign country where, without his household goods, he and his family would be required to live under conditions considered substandard to American military standards, for an unreasonable period of time.

Mr. J. Vincent Burke, Jr., General Counsel, Department of Defense, stated before the committee that while the Department of Defense would prefer to control the shipment of household goods by commercial airfreight by regulation, nevertheless the proposed legislation, as amended, is acceptable to the Department of Defense.

There is, of course, no cost involved in the proposed legislation, and it is intended to reduce overall service transportation costs.

The Committee on Armed Services unanimously recommends enactment of the proposed legislation, as amended, and it would appear that there is no objection to the proposed legislation on the part of the Department of Defense, particularly since the amendment suggested by the Department of Defense has been approved by the committee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COOPERATIVE PROGRAMS RELATING TO FISH AND WILDLIFE

The Clerk called the bill (S. 1781) to facilitate cooperation between the Federal Government, colleges and universities, the States, and private organizations for cooperative unit programs of research and education relating to fish and wildlife.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANDERSEN of Minnesota. Mr. Speaker, reserving the right to object, may we have some explanation of this bill?

Mr. TOLLEFSON. Mr. Speaker, will the gentleman yield?

Mr. ANDERSEN of Minnesota. I yield to the gentleman.

Mr. TOLLEFSON. This bill makes permanent legally the practice of a cooperative effort on the part of the Federal Government, State governments, colleges, universities, and private organizations, in research on fish and wildlife matters. This practice has been going on for the past 25 years. It has been authorized in the appropriation bill. This is designed to legalize the practice without the provision in the appropriation bill.

Mr. ANDERSEN of Minnesota. Does this increase the Federal appropriation to any extent?

Mr. TOLLEFSON. No; it is not intended to increase any appropriation. The Federal Government contributed to the program over the years to the extent of about $175,000. It is not intended to increase any expenditures. It is intended only to obviate the necessity of legislation on the appropriation bill; that is all.

Mr. ANDERSEN of Minnesota. The report states that under the terms of this bill Federal participation would be limited to salaries and expenses of technical personnel and supply of such equipment as may be available for the use of units.

It further states that there is reason to believe that the cost would not exceed that presently being appropriated for this most necessary work.

But they do not guarantee that it will not exceed it. Mr. Speaker, I question the usefulness of this bill, because in my congressional district, the fish and wildlife people have not been too cooperative, especially in small watershed protection programs. I would like to know just what we are voting on.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. DINGELL. Mr. Speaker, reserving the right to object, I think the gentleman is entitled to an explanation and I would like to give it to him right here and now in order to facilitate the work of the House.

Accordingly, I would point out to the gentleman that some of that work is being conducted at the Iowa State University which happens to be a university in the gentleman's home State. The cost is defrayed about 25 percent by the Federal Government, 25 percent from funds of the participating land-grant colleges, 25 percent by the State game and fish commission, and 25 percent or more from the Wildlife Management Institute, a private conservation organization. These programs are utilized to train research people in game management and they are utilized to do research in game management problems. The bill was reported unanimously by the committee. It has the approval of the Bureau of the Budget, the Department of the Interior, the State land-grant colleges, and the State game commissions. I hope the gentleman will not object.

Mr. ANDERSEN of Minnesota. I am not objecting, I am asking unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ORANGEBURG COUNTY, S.C., FISH HATCHERY

The Clerk called the bill (S. 2053) to provide for the acceptance by the United States of a fish hatchery in the State of South Carolina.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. Reserving the right to object, Mr. Speaker, we need more fish hatcheries in the State of West Virginia. I reserve the right to object because I should like to know what is going on, in the hope that I may find a way of getting some more Federal fish hatcheries for West Virginia.

Mr. RILEY. This bill refers to a fish hatchery that was built by the county of Orangeburg but which has been loaned to the Federal Government for the last 15 years. We simply want to give it to them. I hope the gentleman will not object.

Mr. BAILEY. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion and upon such terms and conditions as he shall consider to be in the public interest, to accept by donation on behalf of the United States, title to the Orangeburg County, South Carolina, fish hatchery, together with the right to take

adequate water from Orangeburg County Lake therefor. The Secretary is authorized to rehabilitate and expand the rearing ponds and other hatchery facilities, to purchase lands adjoining such station in connection with the rehabilitation and expansion of such facilities, and to equip, operate, and maintain said fish hatchery.

SEC. 2. There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL SHIP MORTGAGE INSURANCE ON FISHING VESSELS

The Clerk called the bill (S. 2481) to continue the application of the Merchant Marine Act of 1936, as amended, to certain functions relating to fishing vessels transferred to the Secretary of the Interior, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to permit the efficient execution of functions relating to the issuance of Federal ship mortgage insurance on fishing vessels, pursuant to the Merchant Marine Act of June 29, 1936, as amended (49 Stat. 1985; 46 U.S.C., 1952 edition, sec. 1271 and the following), which functions relating to fishing vessels have been transferred to the Secretary of the Interior pursuant to the Fish and Wildlife Act of 1956, the Secretary of the Interior hereafter may exercise authority comparable to the authority of the Secretary of Commerce under the said Merchant Marine Act of 1936, including, but not limited to, the authority contained in the amendment to such Act of July 15, 1958 (72 Stat. 358).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

USE OF PESTICIDES OR OTHER CHEMICALS

The Clerk called the bill (H.R. 12419) to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RODINO. Reserving the right to object, Mr. Speaker, first of all, I should like to know what this bill actually does. I have received a communication from the secretary of agriculture of the State of New Jersey that this bill would slow up programs, in which they are vitally interested. I am concerned as to the effect of this bill on emergency programs—there have been situations of an urgent nature which have arisen in my State where the State agencies must act immediately in order to protect the public health.

Mr. DINGELL. This bill simply requires the Department of Agriculture to coordinate with the Bureau of Fish and Wildlife in the Department of the Interior before they commence any of these spray programs. The bill was reported unanimously by the Committee on Merchant Marine and Fisheries to the House of Representatives.

For the information of the Members, I should like to read the testimony of a representative of the Department of Agriculture on this particular point. Mr. Popham, who was sent up to speak on behalf of the Department of Agriculture said:

Mr. POPHAM. There could be an instance or instances where the situation warranted moving without first contacting them.

He was referring to the Fish and Wildlife Service.

Mr. DINGELL. It takes how long to notify Fish and Wildlife before you commence with this program?

Mr. POPHAM. A telephone call.

Mr. DINGELL. Do you have any objection to making a telephone call to advise them?

Mr. POPHAM. No, sir.

Mr. DINGELL. So that, actually, this objection to notifying Fish and Wildlife is a rather nebulous and ill-founded objection, is it not?

Mr. POPHAM. We feel that legislation is unnecessary.

The bill simply requires, and I say this for the benefit of my colleagues who might be inclined to object, and I see several Members on their feet, that members of the Department of Agriculture before they commence these spray programs notify the Fish and Wildlife Service that they contemplate instituting such programs. There is no language in the bill which would prevent a needed spray program. The most delay would be about 10 minutes for a telephone call to Fish and Wildlife by the Department of Agriculture.

There is no requirement in the bill that the Department of Agriculture even take the recommendations of the Fish and Wildlife Service on the contract of the spray program. In the event they fail to take the recommendations of Fish and Wildlife, the only thing which happens, and the only stricture imposed on the Department of Agriculture is that the matter is reported up here to the appropriate committee of the Congress for consideration by the appropriate committee of the Congress, one of which would be the Committee on Agriculture on which the gentleman from Iowa [Mr. HOEVEN] happens to serve.

Mr. RODINO. Mr. Speaker, would the gentleman state to me, who actually is interested in this bill? I notice the Department of the Interior is opposed to it and that the Department of Health, Education, and Welfare is also opposed to it. Has the gentleman from Michigan any explanation for this?

Mr. DINGELL. I would say to the gentleman that formal opposition to the legislation was sent up here by the Department of the Interior and the Department of Health, Education, and Welfare as well as the Department of Agriculture. The sole and only objection which the Department of Agriculture finally wound up raising was simply that they did not want to coordinate with the various State game and fish agencies throughout the country. That objection, which was the only objection they had at the conclusion of our hearings, was obviated by a specific amendment to take care of the objection. I would say the objection raised by the other departments are not really to the merits of the bill. I would like to point out to my colleagues this bill had the unanimous support of every member of the Committee on Merchant Marine and Fisheries and there was not one single dissenting vote in reporting it out. I would point out that Members from agricultural States like the gentleman from Iowa [Mr. GROSS] served on it, and no member of the committee presented any objection to the enactment of this bill even after having scrutinized the objections of the departments.

The bill is strongly endorsed not only by State game, fish and conservation agencies, but is endorsed by all national conservation organizations, the Audubon Society, the National Wildlife Federation, the Wildlife Management Institute, and the South Eastern Conference of the International Association of Game Fish and Conservation Commissioners.

The bill should be enacted.

Mr. BROOKS of Louisiana. Mr. Speaker, reserving the right to object, I would like to ask a question on this point. I have received a number of complaints from areas that I represent and other areas as well on the destruction of wildlife by the use of insecticides of various sorts and pesticides. Would this bill in any way have a tendency to help in the solution of that problem of preventing the wanton destruction of wildlife?

Mr. DINGELL. I would say to the gentleman, this bill's sole function is to require intelligent planning and coordination in the conduct of these programs so as to prevent the terrible destruction and decimation of the wildlife population occurring in this country as a result of these spraying programs conducted by the Department of Agriculture.

Mr. GROSS. Mr. Speaker, if the gentleman will yield, the gentleman has just made a statement that I would have made. That is, the purpose of this bill is to coordinate these programs. Irrespective of the opposition of the Department of Agriculture, I think this is good legislation.

Mr. DINGELL. I see the gentleman from Iowa [Mr. HOEVEN] is on his feet; does the gentleman want me to yield to him?

Mr. HOEVEN. I thank the gentleman. I will speak on my own time.

Mr. DINGELL. Mr. Speaker, if I may just say this one last thing. This bill has the unanimous support of every nationwide conservation organization. It has the support of every State game and fish commission in this country. Specific resolutions have been put out by almost every State game and fish agency and by the regional associations of the International Association of Game, Fish and Conservation Commissioners specifically endorsing this bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOEVEN. Mr. Speaker, this bill is strongly opposed by the Department

of Agriculture and the Department of Health, Education, and Welfare, and the Department of the Interior. I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

INCREASING PENALTIES FOR VIOLATION OF THE MIGRATORY BIRD TREATY ACT

The Clerk called the bill (H.R. 12533) to amend the Migratory Bird Treaty Act to increase the penalties for violation of that act, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended to read as follows:

"SEC. 6. (a) Except as otherwise provided in this section, any person, association, partnership, or corporation who shall violate any provisions of said conventions or of this Act, or who shall violate or fail to comply with any regulation made pursuant to this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than 6 months, or both.

"(b) Whoever, in violation of this Act, shall—

"(1) take by any manner whatsoever any migratory bird with intent to sell, offer to sell, barter or offer to barter such bird, or

"(2) sell, offer for sale, barter or offer to barter, any migratory bird, or

"(3) purchase or offer to purchase any migratory bird, shall be guilty of a felony and shall be fined not more than $2,000 or imprisoned not more than two years or both.

"(c) All guns, traps, nets and other equipment, vessels, vehicles, and other means of transportation used by any person when engaged in pursuing, hunting, taking, trapping, ensnaring, capturing, killing, or attempting to take, capture, or kill any migratory bird in violation of this Act with the intent to offer for sale, or sell, or offer for barter, or barter such bird in violation of this Act shall be forfeited to the United States and may be seized and held pending the prosecution of any person arrested for violating this Act and upon conviction for such violation, such forfeiture shall be adjudicated as a penalty in addition to any other provided for violation of this Act. Such forfeited property shall be disposed of and accounted for by, and under the authority of, the Secretary of the Interior."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRANTING AN ADDITIONAL BENEFIT UNDER THE PANAMA CANAL CASH RELIEF ACT OF JULY 8, 1937

The Clerk called the bill (H.R. 10511) to grant an additional benefit to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill, the gentlewoman from Missouri [Mrs. SULLIVAN] a question. Would these payments which appear to be justified come from the revenues of the Panama Canal Company, which revenues, of course, come from the charges made to those who use the canal?

Mrs. SULLIVAN. The gentleman from Michigan is correct. None of this money will come out of the Treasury of the United States.

Mr. FORD. I thank the gentlewoman from Missouri.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each person who, on or after the date of enactment of this Act, is receiving, or becomes entitled to receive, payment of cash relief under authority of the Act entitled "An Act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act", approved July 8, 1937 (50 Stat. 478), as amended by the Act of February 20, 1954 (68 Stat. 17), shall receive an additional payment of cash relief in the amount of $10 per month. Such payment shall be in addition to any payments received under such Act of July 8, 1937, as amended, and shall be made without regard to any limitations contained in such Act.

SEC. 2. This Act shall take effect on the first day of the month in which it is enacted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACREAGE REMEASUREMENT

The Clerk called the bill (H.R. 12420) to treat all basic agricultural commodities alike with respect to the cost of remeasuring acreage.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the present consideration of the bill?

Mr. ANDERSEN of Minnesota. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERMITTING THE FILING OF APPLICATIONS FOR PATENTS TO CERTAIN LANDS IN FLORIDA

The Clerk called the bill (S. 2174) to permit the filing of applications for patents to certain lands in Florida.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any limitation upon the time within which applications for patents must be filed in order for patents to be issued pursuant to the provisions of the Act entitled "An Act to authorize the Secretary of the Interior to issue patents for certain lands in Florida bordering upon Indian River", approved August 9, 1955 (69 Stat. 541), patents should be issued pursuant to the provisions of that Act to the following-described tracts of land if application therefor is filed within one year after the date of approval of this Act: Lots 11, 12, section 13, lots 15 and 16, section 14, and lot 13, section 25, township 27 south, range 37 east, Tallahassee meridian, Florida.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOUSING FOR ESSENTIAL CIVILIAN EMPLOYEES OF NASA

The Clerk called the bill (S. 3226) to amend section 809 of the National Housing Act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I understand no Department reports are now in the printed report, and I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

VALIDATING CERTAIN OVERPAYMENTS INADVERTENTLY MADE BY THE UNITED STATES TO SEVERAL OF THE STATES

The Clerk called the bill (H.R. 900) to amend section 7 of the act of August 18, 1941, to provide that 75 percent of all moneys derived by the United States from certain recreational activities in connection with lands acquired for flood control and other purposes shall be paid to the State; to validate certain payment; and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WEAVER. I ask unanimous consent, Mr. Speaker, that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska.

There was no objection.

AUTHORIZING THE SECRETARY OF THE ARMY TO MAKE CERTAIN CHANGES IN THE ROAD AT WHITES BRANCH, GRAPEVINE RESERVOIR, TEX.

The Clerk called the bill (H.R. 2178) to authorize the Secretary of the Army to make certain changes in the road at Whites Branch, Grapevine Reservoir, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CLARIFYING CERTAIN PROVISIONS OF THE CRIMINAL CODE RELATING TO THE IMPORTATION OR SHIPMENT OF INJURIOUS MAMMALS, BIRDS, AMPHIBIANS, FISH, AND REPTILES (18 U.S.C. 42(a), 42(b)); AND RELATING TO THE TRANSPORTATION OR RECEIPT OF WILD MAMMALS OR BIRDS TAKEN IN VIOLATION OF STATE, NATIONAL, OR FOREIGN LAWS (18 U.S.C. 43), AND FOR OTHER PURPOSES

The Clerk called the bill (H.R. 10598) to clarify certain provisions of the Criminal Code relating to the importation or shipment of injurious mammals, birds, amphibians, fish, and reptiles (18 U.S.C. 42(a), 42(b); and relating to the transportation or receipt of wild mammals or birds taken in violation of State, national, or foreign laws (18 U.S.C. 43), and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 42(a) and 42(b), title 18, United States Code, are amended to read as follows:

"§ 42. Importation or shipment of injurious mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles; permits, specimens for museums; regulations

"(a) The importation into the United States, any territory of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or any shipment between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States, of the mongoose of the species Herpestes auropunctatus; of the species of so-called 'flying foxes' or fruit bats of the genus Pteropus; and such other species of wild mammals, wild birds, fish (including mollusks and crustacea), amphibians, reptiles, or the offspring or eggs of any of the foregoing, which the Secretary of the Interior may prescribe by regulation to be injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States, is hereby prohibited. All such prohibited mammals, birds, fish (including mollusks and crustacea), amphibians, and reptiles, and the eggs or offspring therefrom, shall be promptly exported or destroyed at the expense of the importer or consignee. Nothing in this section shall be construed to repeal or modify any provision of the Public Health Service Act or Federal Food, Drug, and Cosmetic Act. Also, this section shall not authorize any action with respect to the importation of any plant pest as defined in the Federal Plant Pest Act, 71 Stat. 31, 7 U.S.C. 150aa, insofar as such importation is subject to regulation under that Act.

"As used in this subsection, the term 'wild' relates to any creatures that, whether or not raised in captivity, normally are found in a wild state; and the terms 'wildlife' and 'wildlife resources' include those resources that comprise wild mammals, wild birds, fish (including mollusks and crustacea), and all other classes of wild creatures whatsoever, and all types of aquatic and land vegetation upon which such wildlife resources are dependent.

"Notwithstanding the foregoing, the Secretary of the Interior, when he finds that there has been a proper showing of responsibility and continued protection of the public interest and health, shall permit the importation for zoological, educational, medical, and scientific purposes of any mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles, or the offspring or eggs thereof, where such importation would be prohibited otherwise by or pursuant to this Act, and this Act shall not restrict importations by Federal agencies for their own use.

"Nothing in this subsection shall restrict the importation of dead natural-history specimens for museums or for scientific collections, or the importation of domesticated canaries, parrots (including all other species of psittacine birds), or such other cage birds as the Secretary of the Interior may designate.

"The Secretary of the Treasury and the Secretary of the Interior shall enforce the provisions of this subsection, including any regulations issued hereunder, and, if requested by the Secretary of the Interior, the Secretary of the Treasury may require the furnishing of an appropriate bond when desirable to insure compliance with such provisions.

"(b) Whoever violates this section, or any regulation issued pursuant thereto, shall be fined not more than $500 or imprisoned not more than six months, or both."

SEC. 2. That the first four paragraphs of section 43, title 18, United States Code, are amended to read as follows:

"§ 43. Transportation of wildlife taken in violation of State, National, or foreign laws; receipt; making false records

"Whoever delivers, carries, transports, ships, by any means whatever, or knowingly receives for shipment, to or from any State, territory, the District of Columbia, the Commonwealth of Puerto Rico, any possession of the United States, or any foreign country, any wild mammal or bird of any kind, or the dead body or parts thereof, or the offspring or eggs therefrom, as the case may be, which was captured, killed, taken, purchased, sold, or otherwise possessed or transported in any manner contrary to any Act of Congress or regulation issued pursuant thereto or contrary to the laws or regulations of any State, territory, the District of Columbia, the Commonwealth of Puerto Rico, possession of the United States, or foreign country; or

"Whoever receives, acquires, or purchases, knowingly, any such wild mammal or bird of any kind or the dead body or parts thereof, or the offspring or eggs therefrom, which was so transported, delivered, carried, or shipped by any means whatsoever, as aforesaid; or

"Whoever, having acquired any of the foregoing properties which was so transported, delivered, carried, or shipped by any means whatever, as aforesaid, makes any false record, account, label or identification thereof; or".

With the following committee amendments:

On page 2, line 5, after "(a)" insert "(1)".

On page 3, lines 3 and 4, strike out "71 Stat. 31, 7 U.S.C. 150aa,".

On page 3, line 6, before the word "As" insert "(2)".

On page 3, line 14, before the word "Notwithstanding" insert "(3)".

On page 3, line 24, before the word "Nothing" insert "(4)".

On page 4, line 5, before the words "The Secretary of the Treasury" insert "(5)".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE MENOMINEE TERMINATION ACT

The Clerk called the bill (H.R. 11813) to amend the Menominee Termination Act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the Act of June 17, 1954 (68 Stat. 252), as amended (25 U.S.C. 891), is hereby amended by adding a new section 13 as follows:

"SEC. 13. If the Secretary of the Interior determines that more time is needed before the transfer of property to the tribe or a tribal corporation on December 31, 1960, as provided in section 8 of this Act, and before a termination of Federal responsibility for furnishing supervision and services to the tribe on December 31, 1960, as provided in section 7 of this Act, he is authorized to postpone such transfer of property and termination of Federal responsibility to a date he determines is reasonable."

With the following committee amendment:

Strike out all after the enacting clause and insert: "That section 8 of the Act of June 17, 1954 (68 Stat. 250), as amended (25 U.S.C. 897), is further amended by deleting 'December 31, 1960' and by inserting in lieu thereof 'July 1, 1961'.

"SEC. 2. Section 9 of said Act of June 17, 1954, as amended, is further amended as follows:

" 'SEC. 9. No distribution, conveyance, or transfer of title to assets and no issuance or distribution of securities pursuant to the plan approved by the Secretary under the provisions of this Act shall be subject to any Federal or State transfer, issuance, or income tax: *Provided,* That nothing contained in this Act shall exempt the recipient of any cash distribution made hereunder from payment of income tax for the year in which the distribution is made on that portion of his share thereof which consists of interest on funds deposited in the Treasury of the United States pursuant to the Supplemental Appropriation Act, 1952 (65 Stat. 736, 754). Following any distribution, conveyance, transfer, or issuance as aforesaid, the assets and securities which are held by, and any income derived therefrom which is received by or payable to, any person, or any corporation or organization as provided in section 8 of this Act, shall be subject to the same taxes, State and Federal, as in the case of non-Indians, except that the basis of any valuation for purposes of Federal income tax on gains or losses shall be the value of the property on the date title is transferred by the United States pursuant to section 8 of this Act.'

"SEC. 3. Section 7 of said Act of June 17, 1954, as amended, is further amended by deleting 'December 31, 1960' and inserting in lieu thereof 'July 1, 1961' and by inserting after the seventh sentence the following: 'If the tribe and the Secretary agree upon a plan and the tribe or any of its agencies fails to take any action that it is required to take under the provisions of the plan in order to put the plan into effect prior to the date for terminating Federal responsibilities, the Secretary of the Interior as authorized to take such action on behalf of the tribe after first giving the tribe twenty days' notice of his intention so to act.' "

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING ADJUSTMENT IN THE PUBLIC INTEREST OF RENTALS UNDER LEASES ENTERED INTO FOR THE PROVISION OF COMMERCIAL RECREATIONAL FACILITIES AT THE JOHN H. KERR RESERVOIR, VA.-N.C.

The Clerk called the bill (H.R. 12530) to authorize adjustment, in the public interest, of rentals under leases entered into for the provision of commercial recreational facilities at the John H. Kerr Reservoir, Va.-N.C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McCORMACK. Mr. Speaker, I move to strike out the last word. I note that this bill relates to one of the greatest men who ever served in this body. My colleagues on both sides of the aisle will remember that great legislator, that kind gentlemen, in whose honor this reservoir has been named.

I just take these few moments to again pay respects to the memory of one of the greatest men I ever met who served in this body, the late John H. Kerr, of North Carolina.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to amend any lease providing for the construction, maintenance, and operation of commercial recreational facilities at the John H. Kerr Reservoir, Virginia-North Carolina, entered into before November 1, 1956, under section 4 of the Act of December 22, 1944, as amended (16 U.S.C. 460d), so as to provide for adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease, when and as he determines such adjustment to be necessary or advisable in the public interest. No adjustment shall be made under authority of this Act so as to increase or decrease the amount of rental or other consideration payable under such lease for any period prior to the date of such adjustment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING COMPENSATION FOR CERTAIN PROPERTY LOSSES IN THE TUTTLE CREEK RESERVOIR PROJECT, KANSAS

The Clerk called the bill (H.R. 12532) to provide compensation for certain property losses in the Tuttle Creek Reservoir project, Kansas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AUTHORIZING MULTIPLE-PURPOSE DEVELOPMENT AT VICTORY RESERVOIR SITE, VERMONT

The Clerk called the bill (H.R. 12564) to authorize multiple-purpose development at Victory Reservoir site, Vermont.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for Victory Reservoir, Vermont, a unit in the comprehensive plan for flood control and other purposes, authorized by the Flood Control Acts approved June 22, 1936, and June 28, 1938, as amended, is hereby authorized to be constructed for multiple-purpose uses, including hydroelectric power, fish and wildlife, recreation, and other related water uses and control, as determined by the Secretary of the Army in accordance with the recommendations and plans of the Chief of Engineers, at an estimated cost of $3,000,000: *Provided,* That prior to the initiation of construction of the project local interests shall be required to enter into an agreement to pay the allocated cost of the conservation storage and such portions of costs allocated to fish and wildlife and recreation as the Chief of Engineers may deem equitable, including interest during construction and interest on the unpaid balance, over a period of not to exceed fifty years after such storage becomes available for use, and an equitable share of annual operation and maintenance costs, as determined by the Chief of Engineers: *Provided further,* That the interest rate used for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHANGE IN TITLE OF THE ASSISTANT DIRECTOR OF THE COAST AND GEODETIC SURVEY

The Clerk called the bill (S. 3106) to change the title of the Assistant Director of the Coast and Geodetic Survey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act of January 19, 1942 (56 Stat. 8), as amended, is further amended by striking the words "Assistant Director" wherever they appear and substituting in lieu thereof the words "Deputy Director".

SEC. 2. All laws and orders relating or referring to the Assistant Director of the Coast and Geodetic Survey shall be deemed to relate or refer to the Deputy Director of the Coast and Geodetic Survey.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMITTING THE USE OF CERTAIN FOREIGN-BUILT HYDROFOIL VESSELS TO THE COASTWISE TRADE

The Clerk called the bill (H.R. 3900) to permit the use of certain foreign-built hydrofoil vessels in the coastwise trade of the Commonwealth of Puerto Rico.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, I voted for this bill in committee. Since it was reported favorably, some information has come to me, and I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

EVALUATION OF WARTIME LOANS TO CERTAIN AMERICAN CITIZENS

The Clerk called the bill (H.R. 808) to authorize the Secretary of State to evaluate in dollars certain financial assistance loans expressed in foreign currencies arising as a result of World War II, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is authorized, upon the approval of the Comptroller General, to evaluate in dollars and, at the discretion of the Comptroller General, to waive collection of all or part of claims of the United States arising as a result of World War II loans expressed in foreign currencies as evidenced

by promissory notes granted for financial assistance, repatriation, and other approved purposes, made from funds available to the Department of State for emergencies in the diplomatic and consular service.

With the following committee amendment:

Page 1, line 4, strike out all after the word "dollars" in line 4, through "part of" in line 6.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENT OF CERTAIN CLAIMS AGAINST THE UNITED STATES

The Clerk called the bill (S. 3072) to authorize the Secretary of the Treasury to effect the payment of certain claims against the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if we could have a brief explanation of this bill, and particularly what would happen to an American driver of a vehicle in this country under similar circumstances.

Mr. MORGAN. An American driver, of course, would more than likely have private liability insurance, and his insurance company would pay such claims against him. This happens to involve two cases of foreign nationals driving embassy cars when the accidents happened.

Mr. GROSS. I recall a case a few weeks ago—the case of a young man who was inducted into the armed services. His unit was ordered into a simulated battle in which live ammunition was being used. There was an error on the part of others and several mortar shells landed in this group killing 3, including this young man; and wounding 13 others. The parents of this young man fought for 2 or 3 years to get a private claims bill through the House in the amount of $10,000.

I notice that one of the foreigners injured in this automobile accident in Paris will get $9,000 and others will get from $6,000 to $7,000. I just wonder if we have two standards of justice in connection with these accident cases and what Congress is prepared to do about it.

Mr. MORGAN. Of course this accident happened in a foreign country and the case was settled according to French law.

Mr. GROSS. I just do not want the State Department to be put in a preferred position with respect to claims of this kind. I think the parents of American servicemen are just as entitled to compensation as some foreign nationals who happen to be injured in an accident.

Mr. MORGAN. I agree with the gentleman.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. PELLY. Mr. Speaker, reserving the right to object, I would like to inquire as to whether these claims will be paid out of counterpart funds.

Mr. MORGAN. No.

Mr. PELLY. It does seem to me they should be paid from counterpart funds.

Mr. MORGAN. I imagine so, if there are any counterpart funds there.

Mr. PELLY. I would like to insist that as far as possible we make such payment of claims in foreign countries out of counterpart funds when they are available.

Mr. MORGAN. I am sure that is the policy.

Mr. PELLY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effect full and final settlement of the following claims against the United States:

(a) Claims of the Government of Israel in the sum of NF45,274.25 ($9,190.67) on behalf of Izhaq Cohen and in the sum of NF36,582.12 ($7,426.17) on behalf of Jacob Kashi, arising as a consequence of injuries sustained by Izhaq Cohen and Jacob Kashi in an automobile accident which occurred at Paris, France, on April 22, 1956, involving a Government-owned vehicle of the United States Embassy at Paris;

(b) Claim of the Government of France in the sum of NF16,454.59 ($3,340.28) on behalf of Marie Kerardy arising as a consequence of injuries sustained by Marie Kerardy in an automobile accident which occurred at Paris, France, on January 13, 1954, involving a Government-owned vehicle of the United States Embassy at Paris.

In all, $19,957.12, together with such additional sums due to increases in rates of exchange as may be necessary to pay the claims in the foreign currency specified.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL HAZARDOUS SUBSTANCES LABELING ACT

The Clerk called the bill (S. 1283) to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Hazardous Substances Labeling Act."

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) The term "territory" means any territory or possession of the United States, including the District of Columbia and the Commonwealth of Puerto Rico but excluding the Canal Zone.

(b) The term "interstate commerce" means (1) commerce between any State or territory and any place outside thereof, and (2) commerce within the District of Columbia or within any territory not organized with a legislative body.

(c) The term "Department" means the Department of Health, Education, and Welfare.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "person" includes an individual, partnership, corporation, and association.

(f) The term "hazardous substance" means:

1. (A) Any substance or mixture of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is a strong sensitzer, (v) is flammable, or (vi) generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(B) Any substances which the Secretary by regulation finds, pursuant to the provisions of section 3(a), meet the requirements of subparagraph 1(A) of this paragraph.

(C) Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the Secretary determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this Act in order to protect the public health.

2. The term "hazardous substance" shall not apply to economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act, nor to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in bulk containers and used in the heating, cooking, or refrigeration system of a house.

3. The term "hazardous substance" shall not include any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(g) The term "toxic" shall apply to any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

(h)(1) The term "highly toxic" means any substance which falls within any of the following categories: (a) Produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, at a single dose of fifty milligrams or less per kilogram of body weight, when orally administered; or (b) produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, when inhaled continuously for a period of one hour or less at an atmospheric concentration of two hundred parts per million by volume or less of gas or vapor or two milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner; or (c) produces death within fourteen days in half or more than half of a group of ten or more rabbits tested in a dosage of two hundred milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for twenty-four hours or less.

(2) If the Secretary finds that available data on human experience with any substance indicate results different from those obtained on animals in the above-named dosages or concentrations, the human data shall take precedence.

(i) The term "corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces.

(j) The term "irritant" means any substance not corrosive within the meaning of subparagraph (i) which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

(k) The term "strong sensitizer" means a substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the Secretary. Before designating any substance as a strong sensitizer, the Secretary, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

(l) The term "extremely flammable" shall apply to any substance which has a flash point at or below twenty degrees Fahrenheit as determined by the Tagliabue Open Cup Tester, and the term "flammable" shall apply to any substance which has a flash point of above twenty degrees to and including eighty degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester; except that the flammability of solids, and of the contents of self-pressurized containers shall be determined by methods found by the Secretary to be generally applicable to such materials or containers, respectively, and established by regulations issued by him, which regulations shall also define the terms "flammable" and "extremely flammable" in accord with such methods.

(m) The term "radioactive substance" means a substance which emits ionizing radiation.

(n) The term "label means a display of written, printed, or graphic matter upon the immediate container of any substance; and a requirement made by or under authority of this Act that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears (1) on the outside container or wrapper, if any there be, unless it is easily legible through the outside container or wrapper and (2) on all accompanying literature where there are directions for use, written or otherwise.

(o) The term "immediate container" does not include package liners.

(p) The term "misbranded package" or "misbranded package of a hazardous substance" means a hazardous substance in a container intended or suitable for household use which, except as otherwise provided by or pursuant to section 3, fails to bear a label—

(1) which states conspicuously (A) the name and place of business of the manufacturer, packer, distributor or seller; (B) the common or usual name or the chemical name (if there be no common or usual name) of the hazardous substance or of each component which contributes substantially to its hazard, unless the Secretary by regulation permits or requires the use of a recognized generic name; (C) the signal word "DANGER" on substances which are extremely flammable, corrosive, or highly toxic; (D) the signal word "WARNING" or "CAUTION" on all other hazardous substances; (E) an affirmative statement of the principal hazard or hazards, such as "Flammable", "Vapor Harmful", "Causes Burns", "Absorbed Through Skin", or similar wording descriptive of the hazard; (F) precautionary measures describing the action to be followed or avoided, except when modified by regulation of the Secretary pursuant to section 3; (G) instruction, when necessary or appropriate, for first-aid treatment; (H) the word "poison" for any hazardous substance which is defined as "highly toxic" by subsection (h); (I) instructions for handling and storage of packages which require special care in handling or storage; and (J) the statement "Keep out of the reach of children", or its practical equivalent, and

(2) on which any statements required under subparagraph (1) of this paragraph are located prominently and are in the English language in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label.

REGULATIONS DECLARING HAZARDOUS SUBSTANCES AND ESTABLISHING VARIATIONS AND EXEMPTIONS

SEC. 3. (a) 1. Whenever in the judgment of the Secretary such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Secretary may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances which he finds meets the requirements of subparagraph (1)(A) of section 2(f).

2. Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall in all respects be governed by the provisions of section 701 (e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act, except that—

(A) the Secretary's order after public hearing (acting upon objections filed to an order made prior to hearing) shall be subject to the requirements of section 409(f)(2) of the Federal Food, Drug, and Cosmetic Act; and

(B) the scope of judicial review of such order shall be in accordance with the third sentence of paragraph (2), and with the provisions of paragraph (3), of section 409 (g) of the Federal Food, Drug, and Cosmetic Act.

(b) If the Secretary finds that the requirements of section 2(p)(1) are not adequate for the protection of the public health and safety in view of the special hazard presented by any particular hazardous substance, he may by regulation establish such reasonable variations or additional label requirements as he finds necessary for the protection of the public health and safety; and any container of such hazardous substance, intended or suitable for household use, which fails to bear a label in accordance with such regulations shall be deemed to be a misbranded package of a hazardous substance.

(c) If the Secretary finds that, because of the size of the package involved or because of the minor hazard presented by the substance contained therein, or for other good and sufficient reasons, full compliance with the labeling requirements otherwise applicable under this Act is impracticable or is not necessary for the adequate protection of the public health and safety, the Secretary shall promulgate regulations exempting such substance from these requirements to the extent he determines to be consistent with adequate protection of the public health and safety.

(d) The Secretary may exempt from the requirements established by or pursuant to this Act any container of a hazardous substance with respect to which he finds that adequate requirements satisfying the purposes of this Act have been established by or pursuant to any other Act of Congress.

PROHIBITED ACTS

SEC. 4. The following acts and the causing thereof are hereby prohibited:

(a) The introduction or delivery for introduction into interstate commerce of any misbranded package of a hazardous substance.

(b) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the label of, or the doing of any other act with respect to, a hazardous substance, if such act is done while the substance is in interstate commerce, or while the substance is held for sale (whether or not the first sale) after shipment in interstate commerce, and results in the hazardous substance being in a misbranded package.

(c) The receipt in interstate commerce of any misbranded package of a hazardous substance and the delivery or proffered delivery thereof for pay or otherwise.

(d) The giving of a guarantee or undertaking referred to in section 5(b)(2) which guarantee or undertaking is false, except by a person who relied upon a guarantee or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance.

(e) The failure to permit entry or inspection as authorized by section 11(b) or to permit access to and copying of any record as authorized by section 12.

(f) The introduction or delivery for introduction into interstate commerce, or the receipt in interstate commerce and subsequent delivery or proffered delivery for pay or otherwise, of a hazardous substance in a reused food, drug, or cosmetic container or in a container which, though not a reused container, is identifiable as a food, drug, or cosmetic container by its labeling or by other identification. The reuse of a food, drug, or cosmetic container as a container for a hazardous substance shall be deemed to be an act which results in the hazardous substance being in a misbranded package. As used in this paragraph, the terms "food", "drug", and "cosmetic" shall have the same meanings as in the Federal Food, Drug, and Cosmetic Act.

(g) The manufacture within any territory, of any hazardous substance that is misbranded.

(h) The use by any person to his own advantage, or revealing other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this Act, of any information acquired under authority of section 11 concerning any method of process which as a trade secret is entitled to protection.

PENALTIES

SEC. 5. (a) Any person who violates any of the provisions of section 4 shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $500 or to imprisonment for not more than ninety days, or both; but for offenses committed with intent to defraud or mislead, or for second and subsequent offense, the penalty shall be imprisonment for not more than one year, or a fine of not more than $3,000, or both such imprisonment and fine.

(b) No person shall be subject to the penalties of subsection (a) of this section, (1) for having violated section 4(c), if the receipt, delivery, or proffered delivery of the hazardous substance was made in good faith, unless he refuses to furnish on request of an officer or employee duly designated by the Secretary, the name and address of the person from whom he purchased or received such hazardous substance, and copies of all documents, if any there be, pertaining to the delivery of the hazardous substance to him; or (2) for having violated section 4(a), if he establishes a guarantee or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance, to the effect that the hazardous substance is not in misbranded packages within the meaning of that term in this Act; or (3) for having violated subsection (a) or (c) of section 4 in respect of any hazardous

substance shipped or delivered for shipment for export to any foreign country, in a package marked for export on the outside of the shipping container and labeled in accordance with the specifications of the foreign purchaser and in accordance with the laws of the foreign country.

SEIZURES

SEC. 6. (a) Any hazardous substance that is in a misbranded package when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which may not, under the provisions of section 4(f), be introduced into interstate commerce, or which has been manufactured in violation of section 4(g), shall be liable to be proceeded against while in interstate commerce or at any time thereafter, on libel of information and condemned in any district court in the United States within the jurisdiction of which the hazardous substance is found: *Provided*, That this section shall not apply to a hazardous substance intended for export to any foreign country if it (1) is in a package branded in accordance with the specifications of the foreign purchaser, (2) is labeled in accordance with the laws of the foreign country, and (3) is labeled on the outside of the shipping package to show that it is intended for export, and (4) is so exported.

(b) Such hazardous substance shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. When libel for condemnation proceedings under this section, involving the same claimant and the same issues of misbranding, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant seasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (1) any district selected by the applicant where one of such proceedings is pending; or (2) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district, reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

(c) Any hazardous substance condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such hazardous substance shall not be sold under such decree contrary to the provisions of this Act or the laws of the jurisdiction in which sold: *Provided*, That, after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditions that such hazardous substance shall not be sold or disposed of contrary to the provisions of this Act or the laws of any State or Territory in which sold, the court may by order direct that such hazardous substance be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this Act under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the person obtaining release of the hazardous substance under bond.

(d) When a decree of condemnation is entered against the hazardous substance, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the hazardous substance.

(e) In the case of removal for trial of any case as provided by subsection (b)—

(1) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction;

(2) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

HEARING BEFORE REPORT OF CRIMINAL VIOLATION

SEC. 7. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

INJUNCTION

SEC. 8. (a) The United States district courts and the United States courts of the territories shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this Act, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

STYLE OF ENFORCEMENT PROCEEDINGS—SUBPENAS

SEC. 9. All criminal proceedings and all libel or injunction proceedings for the enforcement, or to restrain violations, of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

REGULATIONS

SEC. 10. (a) The authority to promulgate regulations for the efficient enforcement of this Act, except as otherwise provided in this section, is hereby vested in the Secretary.

(b) The Secretary of the Treasury and the Secretary of Health, Education, and Welfare shall jointly prescribe regulations for the efficient enforcement of the provisions of section 14, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary of Health, Education, and Welfare shall determine.

EXAMINATIONS AND INVESTIGATIONS

SEC. 11. (a) The Secretary is authorized to conduct examinations, inspections, and investigations for the purposes of this Act through officers and employees of the Department or through any health officer or employee of any State, territory, or political subdivision thereof, duly commissioned by the Secretary as an officer of the Department.

(b) For the purposes of enforcement of this Act, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which hazardous substances are manufactured, processed, packed, or held for introduction into interstate commerce or are held after such introduction, or to enter any vehicle being used to transport or hold such hazardous substances in interstate commerce; (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials, and labeling therein; and (3) to obtain samples of such materials or packages thereof, or of such labeling. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

(c) If the officer or employee obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

RECORDS OF INTERSTATE SHIPMENT

SEC. 12. For the purpose of enforcing the provisions of this Act, carriers engaged in interstate commerce, and persons receiving hazardous substances in interstate commerce or holding such hazardous substances so received shall, upon the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times, to have access to and to copy all records showing the movement in interstate commerce of any such hazardous substance, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and copying of any record so requested when such request is accompanied by a statement in writing specifying the nature or kind of such hazardous substance to which such request relates: *Provided*, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: *Provided further*, That carriers shall not be subject to the other provisions of this Act by reason of their receipt, carriage, holding, or delivery of hazardous substances in the usual course of business as carriers.

PUBLICITY

SEC. 13. (a) The Secretary may cause to be published from time to time reports summarizing any judgments, decrees, or court orders which have been rendered under this Act, including the nature of the charge and the disposition thereof.

(b) The Secretary may also cause to be disseminated information regarding hazardous substances in situations involving, in the opinion of the Secretary, imminent danger to health. Nothing in this section shall be construed to prohibit the Secretary from collecting, reporting, and illustrating the results of the investigations of the Department.

IMPORTS

SEC. 14. (a) The Secretary of the Treasury shall deliver to the Secretary of Health, Education, and Welfare, upon his request, samples of hazardous substances which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before

the Secretary of Health, Education, and Welfare and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such hazardous substance is in misbranded packages or in violation of section 4(f), then such hazardous substance shall be refused admission, except as provided in subsection (b) of this section. The Secretary of the Treasury shall cause the destruction of any such hazardous substance refused admission unless such hazardous substance is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

(b) Pending decision as to the admission of a hazardous substance being imported or offered for import, the Secretary of the Treasury may authorize delivery of such hazardous substance to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury. If it appears to the Secretary of Health, Education, and Welfare that the hazardous substance can, by relabeling or other action, be brought into compliance with this Act, final determination as to admission of such hazardous substance may be deferred and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this subsection, the Secretary may, in accordance with regulations, authorize the applicant to perform such relabeling or other action specified in such authorization (including destruction or export of rejected hazardous substances or portions thereof, as may be specified in the Secretary's authorization). All such relabeling or other action pursuant to such authorization shall, in accordance with regulations, be under the supervision of an officer or employee of the Department of Health, Education, and Welfare designated by the Secretary, or an officer or employee of the Department of the Treasury designated by the Secretary of the Treasury.

(c) All expenses (including travel, per diem, or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in subsection (a) of this section and the supervision of the relabeling or other action authorized under the provisions of subsection (b) of this section, the amount of such expenses to be determined in accordance with regulations, and all expenses in connection with the storage, cartage, or labor with respect to any hazardous substance refused admission under subsection (a) of this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

TIME OF TAKING EFFECT

SEC. 16. This Act shall take effect upon the date of its enactment; but no penalty or condemnation shall be enforced for any violation of this Act which occurs—

(a) prior to the expiration of the sixth calendar month after the month in which this Act is enacted, or

(b) prior to the expiration of such additional period or periods, ending not more than eighteen months after the month of enactment of this Act, as the Secretary may prescribe on the basis of a finding that conditions exist which necessitate the prescribing of such additional period or periods: *Provided*, That the Secretary may limit the application of such additional period or periods to violations related to specified provisions of this Act, or to specified kinds of hazardous substances or packages thereof.

APPLICATION TO EXISTING LAW

SEC. 17. Nothing in this Act shall be construed to modify or affect the provisions of chapter 39, title 18, United States Code, as amended (18 U.S.C. 831 et seq.), or any regulations promulgated thereunder, or under sections 204(a)(2) and 204(a)(3) of the Interstate Commerce Act, as amended (relating to the transportation of dangerous substances and explosives by surface carriers); or of section 1716, title 18, United States Code, or any regulations promulgated thereunder (relating to mailing of dangerous substances); or of section 902 or regulations promulgated under section 601 of the Federal Aviation Act of 1958 (relating to transportation of dangerous substances and explosives in aircraft); or of the Federal Food, Drug, and Cosmetic Act; or of the Public Health Service Act; or of the Federal Insecticide, Fungicide, and Rodenticide Act; or of the Dangerous Drug Act for the District of Columbia (70 Stat. 612), or the Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 7, 1906 (34 Stat. 175), as amended; or of any other Act of Congress, except as specified in section 18.

REPEAL OF FEDERAL CAUSTIC POISON ACT

SEC. 18. The Federal Caustic Poison Act (44 Stat. 1406) is repealed effective at the close of the sixth calendar month after the month of enactment of this Act: *Provided*, That if the Secretary, pursuant to section 16(b) of this Act, prescribes an additional period or periods during which violations of this Act shall not be enforceable and if such additional period or periods are applicable to violations of this Act involving one or more substances defined as "dangerous caustic or corrosive substances" by the Federal Caustic Poison Act, that Act shall, with respect to such substance or substances, remain in full force and effect during such additional period or periods: *Provided further*, That, with respect to violations, liabilities incurred or appeals taken prior to the close of said sixth month or, if applicable, prior to the expiration of the additional period or periods referred to in the preceding proviso, all provisions of the Federal Caustic Poison Act shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violations, liabilities, and appeals.

With the following committee amendments:

(1) On page 3, line 14, strike out "bulk".

(2) On page 5, line 24, strike out the comma following "solids".

(3) On page 6, line 11, strike out "appearing" and insert in lieu thereof "appear".

(4) On page 11, strike out lines 21 and 22 and insert in lieu thereof the following:

"(g) The manufacture of a misbranded package of a hazardous substance within the District of Columbia or within any territory not organized with a legislative body."

(5) On page 12, line 13, strike out "offense" and insert in lieu thereof "offenses".

(6) On page 13, line 13, immediately after "country", insert the following: ", but if such hazardous substance is sold or offered for sale in domestic commerce, this clause shall not apply".

(7) On page 15, line 24, strike out "Territory" and insert in lieu thereof "territory".

(8) On page 24, line 9, immediately after "provisions" insert the following: "of the Flammable Fabrics Act, as amended (15 U.S.C. 1191–1200), or any regulations promulgated thereunder; or".

(9) On page 25, line 9, after "Act" insert the following: ", except that the Federal Caustic Poison Act shall remain in full force and effect with respect to any 'dangerous caustic or corrosive substance' (as defined by that Act) which is an article subject to the Federal Food, Drug, and Cosmetic Act and which is, by virtue of paragraph 2 of section 2(f) of this Act, excluded from the term 'hazardous substance' as defined in this Act".

(10) On page 25, line 23, strike out "remains" and insert in lieu thereof "remain".

The committee amendments were agreed to.

Mr. ROBERTS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS: On page 8, line 25, strike out "third" and insert in lieu thereof "fourth."

The amendment was agreed to.

Mr. ROBERTS. Mr. Speaker, S. 1283 will regulate the interstate distribution and sale of packages of hazardous substances which are intended or suitable for household use.

In this country each year some 200,000 accidental poisonings occur, resulting in some 5,000 deaths and, of course, a great deal of suffering and economic losses. Many of these poisonings are of youngsters whose parents were unaware of the dangers in harmless-appearing household products. One of the witnesses who appeared before the Subcommittee on Health and Safety in support of this legislation told about a certain household product which had poisoned numerous youngsters. She described it this way:

A most delicious looking furniture polish. It is strawberry colored, and it looks about the same shape as a bottle of strawberry pop.

There was no large type or easily seen warning on the bottle to indicate to parents that it should be kept out of the reach of children because its contents were poisonous.

The reason for this chiefly, I think, is that our labeling laws for hazardous substances have not been overhauled in nearly a quarter of a century. The Federal Caustic Poison Act was enacted in 1927 and has saved many lives by requiring informative labeling of a few poisonous chemicals which were primarily responsible for home poisonings at the time of enactment. But it is not applicable today to many other poisons which are commonly found in American homes.

Many new products have been developed for use in the household since 1927. In that earlier act, only 12 chemical substances were listed as dangerous caustic or corrosive substances. It is estimated that 15,000 to 20,000 common household products which may be poisonous today would be covered by this new bill.

It should be stated, in fairness, that a good number of those products which are hazardous are labeled voluntarily by manufacturers or packagers. But there should be on the statute books labeling legislation which will embrace all hazardous household articles presently

on the market and to be marketed in the future.

S. 1283 should provide a uniform precautionary labeling program which will adequately advise the consumer of the hazards in the use of the product as well as make available immediate information for physicians who are called upon to treat cases of accidental injury. It should also provide a pattern which the States may follow in enacting similar legislation. In the absence of an adequate Federal law, there is the possibility that diverse labeling regulations will be adopted by the States, leading to a multiplicity of requirements and creating unnecessary confusion in labeling, to the detriment of the public.

Mr. Speaker, hearings on my bill on this subject, H.R. 5260, the companion to S. 1283, were held by the subcommittee on March 14, 1960. All the witnesses appearing favored this legislation in principle and most of them recommended the adoption of the Senate-approved bill. The bill S. 1283, with amendments, was reported by the Committee on Interstate and Foreign Commerce on June 14, 1960.

The amendment at page 8, line 25, is a technical amendment, which makes no change in the intended policy of the bill. It is made necessary by a recent amendment to the law.

On Saturday, June 18, 1960, the other body passed, and cleared for the President, H.R. 7847, which amended section 409(g)(2) of the Federal Food, Drug, and Cosmetic Act by adding a new sentence to that section.

The bill (S. 1283) currently under consideration cross refers to the third sentence of such section 409(g)(2). The enactment of H.R. 7847 will render this cross reference incorrect; therefore this amendment —correcting the cross reference—is necessary.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECREATION AND PUBLIC FACILITIES DEVELOPMENT IN RESERVOIR AREAS

The Clerk called the bill (H.R. 12539) to implement section 4 of the Act approved December 22, 1944 (Public Law No. 534, 78th Cong.), as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. At the request of another Member, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRANSFER OF CERTAIN PERSONAL PROPERTY TO STATE AND COUNTY AGENCIES

The Clerk called the bill (H.R. 9600) to authorize and direct the transfer of certain personal property to State and county agencies engaged in cooperative agricultural extension work.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1018) to authorize and direct the transfer of certain personal property to State and county agencies engaged in cooperative agricultural extension work.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Federal Property and Administrative Services Act of 1949, as amended, or any other law, the Postmaster General and the Administrator of General Services are hereby authorized and directed to transfer, as soon as practicable after date of enactment hereof, without cost, to any State or county agency engaged in cooperative agricultural extension work pursuant to the Act of May 8, 1914, as amended (7 U.S.C. 341–348), for the use of such agency, all right, title, and interest in and to any office equipment, materials, books, or other supplies (whether or not capitalized in a working capital fund established under section 405 of the National Security Act of 1947, as amended, or any similar fund) which have heretofore been assigned for use to any such State or county agency by the Post Office Department or the General Services Administration, respectively.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 9600) was laid on the table.

A motion to reconsider was laid on the table.

AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The Clerk called the bill (H.R. 11499) to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the use of surplus personal property by State distribution agencies, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(n) of the Federal Property and Administrative Services Act of 1949, as amended, is hereby amended by adding at the end thereof the following: "In addition, under such cooperative agreements, and subject to such other conditions as may be imposed by the Secretary of Health, Education, and Welfare, or the Director, Office of Civil and Defense Mobilization, surplus property which the Administrator may approve for donation for use in any State for purposes of education, public health, or civil defense, or for research for any such purposes, pursuant to subsection (j)(3) or (j)(4), may with the approval of the Administrator be made available to the State agency after a determination by the Secretary or the Director that such property is necessary to, or would facilitate, the effective operation of the State agency in performing its functions in connection with such program. Upon a determination by the Secretary or the Director that such action is necessary to, or would facilitate, the effective use of such surplus property made available under the terms of a cooperative agreement, title thereto may with the approval of the Administrator be vested in the State agency."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRAVEL COST FOR PERSONS SELECTED FOR APPOINTMENT TO GOVERNMENT POSITIONS

The Clerk called the bill (H.R. 12273) to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3485) to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b) to (d), inclusive, of section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808, as amended, 5 U.S.C. 73b–3) are amended to read as follows:

"(b) Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons appointed, and of student trainees when promoted upon completion of college work, to positions in the United States for which there is determined by the Civil Service Commission to be a manpower shortage, and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection or promotion to their duty station. Travel and transportation expenses shall not be paid upon promotion of a student trainee after completion of college work if such expenses were paid upon his appointment as a student trainee. Such travel expenses may include per diem and mileage allowance as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this subsection shall not be allowed unless the person selected or promoted shall agree in writing to remain in the Government service for twelve months following his appointment or promotion unless separated for reasons beyond his control and acceptable to the depart-

ment or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.

"(c) The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated.

"(d) Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) hereof."

SEC. 2. This Act shall take effect as of August 25, 1960.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 12273) was laid on the table.

A motion to reconsider was laid on the table.

AMENDING ANTIKICKBACK STATUTE TO EXTEND IT TO ALL NEGOTIATED CONTRACTS

The Clerk called the bill (H.R. 12604) to amend the antikickback statute to extend it to all negotiated contracts.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3487) to amend the antikickback statute to extend it to all negotiated contracts.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 8, 1946 (60 Stat. 37), entitled "An Act to eliminate the practice by subcontractors, under cost-plus-a-fixed-fee or cost reimbursable contracts of the United States, of paying fees or kickbacks, or of granting gifts or gratuities to employees of a cost-plus-a-fixed-fee or cost reimbursable prime contractors or of higher tier subcontractors for the purpose of securing the award of subcontracts or orders" is hereby amended to read as follows:

"That the payment of any fee, commission, or compensation of any kind or the granting of any gift or gratuity of any kind, either directly or indirectly, by or on behalf of a subcontractor, as hereinafter defined, (1) to any officer, partner, employee, or agent of a prime contractor holding a negotiated contract entered into by any department, agency, or establishment of the United States for the furnishing of supplies, materials, equipment, or services of any kind whatsoever; or to any such prime contractor, or (2) to any officer, partner, employee, or agent of a higher tier subcontractor holding a subcontract under the prime contract, or to any such subcontractor either as an inducement for the award of a subcontract or order from the prime contractor or any subcontractor, or as an acknowledgment of a subcontract or order previously awarded, is hereby prohibited. The amount of any such fee, commission, or compensation or the cost or expense of any such gratuity or gift, whether heretofore or hereafter paid or incurred by the contractor, shall not be charged, either directly or indirectly, as a part of the contract price charged by the subcontractor to the prime contractor or higher tier subcontractor. The amount of any such fee, cost, or expense shall be recoverable on behalf of the United States from the subcontractor or the recipient thereof by setoff of moneys otherwise owing to the subcontractor either directly by the United States, or by a prime contractor under any contract or by an action in an appropriate court of the United States. Upon a showing that a subcontractor paid fees, commissions, or compensation or granted gifts or gratuities to an officer, partner, employee, or agent of a prime contractor or of another higher tier subcontractor, in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the cost of such expense was included in the price of the subcontract or order and ultimately borne by the United States. Upon the direction of the contracting department or agency or of the General Accounting Office, the prime contractor shall withhold from sums otherwise due a subcontractor any amount reported to have been found to have been paid by a subcontractor as a fee, commission, or compensation or as a gift or gratuity to an officer, partner, employee, or agent of the prime contractor or another higher tier subcontractor."

SEC. 2. For the purpose of this Act, the term "subcontractor" is defined as any person, including a corporation, partnership, or business association of any kind, who holds an agreement or purchase order to perform all or any part of the work or to make or furnish any article or service required for the performance of a negotiated contract or of a subcontract entered thereunder, the term "person" shall include any subcontractor, corporation, association, trust, joint-stock company, partnership, or individual, and the term "negotiated contract" means made without formal advertising.

SEC. 3. For the purpose of ascertaining whether such fees, commissions, compensation, gifts, or gratuities have been paid or granted by a subcontractor, the General Accounting Office shall have the power to inspect the plants and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a negotiated contract.

SEC. 4. Any person who shall knowingly, directly or indirectly, make or receive any such prohibited payment shall be fined not more than $10,000 or be imprisoned for not more than two years, or both.

Mr. FASCELL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Strike out all after the enacting clause and insert the following:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 8, 1946 (60 Stat. 37), entitled 'An Act to eliminate the practice by subcontractors, under cost-plus-a-fixed-fee or cost reimbursable contracts of the United States, of paying fees or kickbacks, or of granting gifts or gratuities to employees of a cost-plus-a-fixed-fee or cost reimbursable prime contractors or of higher tier subcontractors for the purpose of securing the award of subcontracts or orders, is hereby amended to read as follows:

" 'That the payment of any fee, commission, or compensation of any kind or the granting of any gift or gratuity of any kind, either directly or indirectly, by or on behalf of a subcontractor, as hereinafter defined (1) to any officer, partner, employee, or agent of a prime contractor holding a negotiated contract entered into by any department, agency, or establishment of the United States for the furnishing of supplies, materials, equipment or services of any kind whatsoever; or to any such prime contractor or (2) to any officer, partner, employee, or agent of a higher tier subcontractor holding a subcontract under the prime contract, or to any such subcontractor either as an inducement for the award of a subcontract or order from the prime contractor or any subcontractor, or as an acknowledgment of a subcontract or order previously awarded, is hereby prohibited. The amount of any such fee, commission, or compensation or the cost or expense of any such gratuity or gift, whether heretofore or hereafter paid or incurred by the subcontractor, shall not be charged, either directly or indirectly, as a part of the contract price charged by the subcontractor to the prime contractor or higher tier subcontractor. The amount of any such fee, cost, or expense shall be recoverable on behalf of the United States from the subcontractor or the recipient thereof by setoff of moneys otherwise owing to the subcontractor either directly by the United States, or by a prime contractor under any contract or by an action in an appropriate court of the United States. Upon a showing that a subcontractor paid fees, commissions, or compensation or granted gifts or gratuities to an officer, partner, employee, or agent of a prime contractor or of another higher tier subcontractor, in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the cost of such expense was included in the price of the subcontract or order and ultimately borne by the United States. Upon the direction of the contracting department or agency or of the General Accounting Office, the prime contractor shall withhold from sums otherwise due a subcontractor any amount reported to have been found to have been paid by a subcontractor as a fee, commission, or compensation or as a gift or gratuity to an officer, partner, employee, or agent of the prime contractor or another higher tier subcontractor.

" 'SEC. 2. For the purpose of this Act, the term "subcontractor" is defined as any person, including a corporation, partnership, or business association of any kind, who holds an agreement or purchase order to perform all or any part of the work or to make or furnish any article or service required for the performance of a negotiated contract or of a subcontract entered thereunder; the term "person" shall include any subcontractor, corporation, association, trust, joint-stock company, partnership, or individual; and the term "negotiated contract" means made without formal advertising.

" 'SEC. 3. For the purpose of ascertaining whether such fees, commissions, compensation, gifts, or gratuities have been paid or granted by a subcontractor, the General Accounting Office shall have the power to inspect the plants and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a negotiated contract.

" 'SEC. 4. Any person who shall knowingly, directly or indirectly, make or receive any such prohibited payment shall be fined not more than $10,000 or be imprisoned for not more than two years, or both.' "

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 12604) was laid on the table.

A motion to reconsider was laid on the table.

EXTENDING EXEMPTION FROM INSPECTION FOR CERTAIN VESSELS CARRYING FREIGHT TO AND FROM SOUTHEASTERN ALASKA

The Clerk called the bill (S. 2669) to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted certain small vessels carrying freight to and from places on the inland waters of southeastern Alaska.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REQUIRING REBUILDING WORK ON DOMESTIC VESSELS TO BE DONE ENTIRELY IN U.S. SHIPYARDS

The Clerk called the bill (S. 3189) to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I simply want to say I am glad to see this interest in protecting American industry and American labor by requiring that the rebuilding of ships be carried out in American yards. I hope that the Members of the House will extend the same treatment to agriculture to help us raise tariffs and otherwise tighten up on the imports of agricultural products that are pouring into the country, in other words, give some protection to agriculture as well as the shipbuilding industry.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso of section 27 of the Merchant Marine Act, 1920, as amended (U.S.C., 1958 edition, title 46, sec. 883), is amended to read as follows: *"Provided further,* That no vessel of more than five hundred gross tons which has acquired the lawful right to engage in the coastwise trade, by virtue of having been built in or documented under the laws of the United States, and which has later been rebuilt, shall have the right thereafter to engage in the coastwise trade, unless the entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel, is effected within the United States, its Territories (not including trust territories), or its possessions:"

SEC. 2. The first sentence of section 2 of the Act of July 14, 1956 (U.S.C. 1958 edition, title 46, sec. 883a) is amended to read: "If any vessel of more than five hundred gross tons documented under the laws of the United States, or last documented under such laws, is rebuilt, and any part of the rebuilding, including the construction of major components of the hull and superstructure of the vessel, is not effected within the United States, its Territories (not including trust territories) or its possessions, a report of the circumstances of such rebuilding shall be made to the Secretary of the Treasury, upon the first arrival of the vessel thereafter at a port within the customs territory of the United States, if rebuilt outside the United States, its Territories (not including trust territories), or its possessions, or, in any other case, upon completion of the rebuilding, in accordance with such regulations as the Secretary may prescribe."

SEC. 3. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the purposes of this Act.

SEC. 4. This Act shall be effective from the time of enactment hereof: *Provided, however,* That no vessel shall be deemed to have lost its coastwise privileges as a result of the amendments made by this Act if it is rebuilt within the United States, its Territories (not including trust territories), or its possessions under a contract executed before such date of enactment and if the work of rebuilding is commenced not later than twenty-four months after such date of enactment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPROACH ROADS TO FERRY FACILITIES

The Clerk called the bill (H.R. 11240) to amend title 23, United States Code, to provide for participation of Federal-aid highway funds in the construction of approach roads to ferry facilities on the Federal-aid system.

Mr. FORD. Mr. Speaker, at the request of another Member, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. FORD]?

There was no objection.

PRINCESS ANNE COUNTY SCHOOL BOARD, VIRGINIA

The Clerk called the bill (H.R. 11136) for the relief of the Princess Anne County School Board, Virginia.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPOSITION OF CONTRIBUTIONS OF CERTAIN ANNUITANTS AND OTHER BENEFITS UNDER THE CIVIL SERVICE RETIREMENT ACT

The Clerk called the bill (S. 2857) to amend the Civil Service Retirement Act so as to provide for refunds of contributions in the case of annuitants, whose length of service exceeds the amount necessary to provide the maximum annuity allowable under such act.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CREDITING FOR RETIREMENT AND LEAVE PURPOSES OF CERTAIN INTERNMENT PERIODS OF EMPLOYEES OF JAPANESE ANCESTRY IN WORLD WAR II

The Clerk called the bill (H.R. 7810) to credit periods of internment during World War II to certain Federal employees of Japanese ancestry for purposes of the Civil Service Retirement Act and the Annual and Sick Leave Act of 1951.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to provide benefits for certain Federal employees of Japanese ancestry who lost certain rights with respect to grade, time in grade, and rate of compensation by reason of any policy or program of the Federal Government with respect to persons of Japanese ancestry during World War II", approved July 15, 1952 (66 Stat. 634; 5 U.S.C. 1076), is amended by adding at the end of such section the following: "Each period of internment, and each period during which any such loss of opportunity for or denial of appointment, or denial of reinstatement, or separation from the service, was in effect, by reason of such policy or program, shall be held and considered to be creditable service for the purposes of the Civil Service Retirement Act and the Annual and Sick Leave Act of 1951."

With the following committee amendment:

On page 2, immediately following line 8, add a new section 2, as follows:

"SEC. 2. Notwithstanding any other provision of law, any civil service retirement benefits resulting from the amendment made by this Act shall be paid from the civil service retirement and disability fund."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POWERBOAT SERVICE IN ALASKA

The Clerk called the bill (S. 1849) to amend the act of August 10, 1939, authorizing the Postmaster General to contract for certain powerboat service in Alaska.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMEND SECTION 4 OF THE ACT OF JANUARY 21, 1929

The Clerk called the bill (S. 3545) to amend section 4 of the act of January 21, 1929 (48 U.S.C. 354a (c)), and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 4 of the Act of January 21, 1929 (48 U.S.C. 354a(c)), is amended by inserting after the word "auction" the following: "or leasing by means of sealed competitive bidding," and by deleting, in the clause following the words "public auction" and inserting in lieu thereof "sale or lease."

Sec. 2. The said Act is further amended by striking the word "Territory" wherever it appears and inserting in lieu thereof the word "State."

With the following committee amendment:

Strike out all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 4 of the Act of January 21, 1929 (48 U.S.C. 354a(c)), is amended by inserting after the words "public auction" the first time they occur therein the words "or, in the case of a lease, to the person who submits the highest bid at a public auction or through sealed competitive bidding" and by deleting the words "public auction" the second time they appear therein and inserting in lieu thereof the words "proposed sale or lease."

SEC. 2. The said Act is further amended by striking the words "Territory" or "Territorial" wherever they appear and inserting in lieu thereof the word "State."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN NATURALIZATION PRIVILEGES TO VETERANS OF KOREA

The Clerk called the bill (H.R. 7209) to amend the Immigration and Nationality Act to accord Korean war veterans equal naturalization privileges, and to authorize the Attorney General to admit certain aliens who have served in the Armed Forces of the United States for a period aggregating 5 years as permanent residents.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 329 of the Immigration and Nationality Act is amended by inserting after "December 31, 1946," the following: "or during a period beginning June 25, 1950, and ending July 1, 1955,".

SEC. 2. Paragraph (4) of subsection (b) of section 329 of the Immigration and Nationality Act is amended by inserting after "December 31, 1946," the following: "or during a period beginning June 25, 1950, and ending July 1, 1955,".

SEC. 3. Section 245 of the Immigration and Nationality Act is amended by adding at the end thereof the following new subsection:

"(c) If, upon application of any alien, it shall appear to the satisfaction of the Attorney General that (1) such alien has served honorably at any time in the Armed Forces of the United States (including the Coast Guard) for a period or periods aggregating five years, and who, if separated from such service, was never separated except under honorable conditions, (2) such alien is a person of good moral character, and (3) such action would not be contrary to the national welfare, safety, or security, the Attorney General may, notwithstanding any other provision of this Act or any other law, admit such alien to the United States for permanent residence, or, if such alien is in the United States, record the alien's last entry into the United States as an admission for permanent residence as of the date of such entry."

SEC. 4. (a) Paragraph (1) of subsection (d) of section 101 of the Immigration and Nationality Act is amended by inserting immediately after "December 31, 1946," the following: "or from June 25, 1950, to July 1, 1955,".

(b) Paragraph (2) of subsection (d) of section 101 of the Immigration and Nationality Act is amended (1) by striking out "and (C)" and inserting in lieu thereof "(C)", and (2) by inserting immediately after "December 31, 1946" the following: "; and (d) the term 'Korean conflict relates to the period from June 25, 1950, to July 1, 1955".

SEC. 5. Paragraph (1) of section 354 of the Immigration and Nationality Act is amended by striking out "or World War II" and inserting in lieu thereof the following: "World War II, or the Korean conflict".

Amend the title so as to read: "A bill to accord certain naturalization privileges to veterans of the Korean hostilities."

With the following committee amendments:

On page 2, strike out all of section 3.

On page 2, line 22, strike out "SEC. 4." and substitute "SEC. 3."

On page 3, line 5, strike out the word "Conflict" and substitute the word "hostilities".

On page 3, strike out all of section 5.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to accord certain naturalization privileges to veterans of the Korean hostilities."

A motion to reconsider was laid on the table.

RELATING TO POSITIONS IN THE LIBRARY OF CONGRESS

The Clerk called the bill (H.R. 8424) to amend section 505 of the Classification Act of 1949 with respect to positions in the Library of Congress.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 505(i) of the Classification Act of 1949, as amended (72 Stat. 213; 5 U.S.C. 1105(i)), is amended—

(1) by striking out the word "and" immediately following the semicolon in paragraph (2) thereof;

(2) by striking out the period at the end of paragraph (3) thereof and inserting in lieu of such period a semicolon and the word "and"; and

(3) by adding at the end of such section 505(i) the following new paragraph:

"(4) to which appointments are made by the Librarian of Congress.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL GUARD CLAIMS

The Clerk called the bill (H.R. 5435) to extend the Federal Tort Claims Act to members of the National Guard when engaged in training duty under Federal law, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, would someone from the committee give us an explanation of this legislation?

Mr. LANE. May I say to the gentleman that this bill came before the Committee on the Judiciary with the petition to place the National Guard under the Federal Tort Claims Act. Now, the Department of the Army objected to that bill and they have recommended to us a new bill which your committee is now offering for the consideration of the House. Under the new bill these claims of the National Guard will come under the Military Claims Act instead of the Federal Tort Claims Act.

Mr. FORD. Mr. Speaker, this bill and the report just came to my office very late this morning. Frankly, I have not had an opportunity to go into the matter as fully as I believe I should. Therefore, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. That concludes the call of the Consent Calendar.

CERTAIN COMPENSATION TO TUTTLE CREEK RESERVOIR, KANS.

Mr. AVERY. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 493, the bill (H.R. 12532) to provide compensation for certain property losses in the Tuttle Creek Reservoir project, Kansas.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to pay to any bona fide lessee or permittee owning improvements, which are or which were situated on a railroad right-of-way, the fair value of any such improvements, which have been or will be rendered inoperative or be otherwise adversely affected by the construction of the Tuttle Creek Reservoir project on the Blue River, Kansas, as determined by the Secretary, or by the United States District Court for the District of Kansas on which is conferred jurisdiction for this purpose.

SEC. 2. The Secretary of the Army is authorized to provide the funds necessary to carry out the provisions of this Act from any moneys appropriated for the construction of the Tuttle Creek Reservoir project.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ACREAGE REMEASUREMENT

Mr. ABBITT. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 485, the bill (H.R. 12420) to treat all basic agricultural commodities alike with respect to the cost of remeasuring acreage.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. ANDERSEN of Minnesota. Mr. Speaker, reserving the right to object, this bill has now been explained to me since my previous reservation. Consequently I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 374(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1374(b)), is amended by striking out the last sentence thereof.

SEC. 2. Section 374(c) of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following: "The Secretary shall by appropriate regulations provide for the remeasurement upon request by the farm operator of the acreage planted to such commodity on the farm and for the measurement of the acreage planted to such commodity on the farm remaining after any adjustment of excess acreage hereunder and shall prescribe the conditions under which the farm operator shall be required to pay the county committee for the expense of the measurement of adjusted acreage or the expense of remeasurement after the initial measurement or the measurement of adjusted acreage. The regulations shall also provide for the refund of any deposit or payment made for the expense of the remeasurement of the initially determined acreage or the adjusted acreage when because of an error in the determination of such acreage the remeasurement brings the acreage within the allotment or permitted acreage or results in a change in acreage in excess of a reasonable variation normal to measurements of acreage of the commodity. Unless the requirements for measurement of adjusted acreage are met by the farm operator, the acreage prior to such adjustment as determined by the county committee shall be considered the acreage of the commodity on the farm in determining whether the applicable farm allotment has been exceeded.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOUSING FOR ESSENTIAL CIVILIAN EMPLOYEES OF NASA

Mr. MULTER. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 487, the bill (S. 3226) to amend section 809 of the National Housing Act.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. PELLY. Mr. Speaker, reserving the right to object, when this bill came up before I raised the issue of the departmental reports. None was shown in the committee report. I would like to again ask that question on this bill.

Mr. MULTER. I wish to advise the House that the agencies concerned, none of them, objected to the bill and have indicated that they favor the bill. This is merely to cover employees of other agencies who are covered by law and have now been transferred to NASA.

Mr. PELLY. The printed report did not give me that information. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 809 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(g) A mortgage secured by property which is intended to provide housing for a person employed or assigned to duty at a research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation, where such installation was a research or development installation of one of the military departments of the United States (on or after June 13, 1956) before its transfer to the jurisdiction of such Administration, may (if the mortgage otherwise meets the requirements of this section) be insured by the Commissioner under the provisions of this section. The Administrator of the National Aeronautics and Space Administration, or his designee, is authorized to guarantee and indemnify the Armed Services Housing Mortgage Insurance Fund against loss to the extent required by the Commissioner, in accordance with the provisions of subsection (b) of this section, in the case of mortgages referred to in this subsection. For purposes of this subsection, (1) the terms 'Armed Forces', 'one of the military departments of the United States', 'military department', 'Secretary or his designee', and 'Secretary' when used in subsections (a) and (b) of this section and the term 'Secretary of the Army, Navy, or Air Force' when used in section 805, shall be deemed to refer to the National Aeronautics and Space Administration or the Administrator thereof, as may be appropriate, (2) the terms 'civilian employee', 'civilians', and 'civilian personnel' as used in this section shall be deemed to refer to employees of such Administration or a contractor thereof or to military personnel assigned to duty at an installation of such Administration, and (3) the term 'military installation' when used in section 805 shall be deemed to refer to an installation of such Administration."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMITTEE ON THE JUDICIARY

Mr. McCORMACK. Mr. Speaker, at the request of the gentleman from New York [Mr. CELLER], I ask unanimous consent that the Committee on the Judiciary have permission to sit during general debate on Tuesday and Wednesday of next week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDMENTS TO THE ARMED SERVICES PROCUREMENT ACT OF 1947

Mr. VINSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12572) to amend the Armed Services Procurement Act of 1947.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10 of the United States Code is hereby amended as follows:

(a) Subsection 2304(a) is amended to read as follows:

"(a) Purchases of and contracts for property or services covered by this chapter shall be made by formal advertising in all cases in which the use of such method is feasible and practicable under the existing conditions and circumstances. If use of such method is not feasible and practicable, the head of an agency, subject to the requirements for determinations and findings in section 2310, may negotiate such a purchase or contract, if—".

(b) Subsection 2304(a)(1) is amended to read as follows:

"(1) it is determined that such action is necessary in the public interest during a national emergency declared by the Congress or a period of six months following a national emergency hereafter declared by the President."

(c) Subsection 2304(a)(14) is amended to read as follows:

"(14) the purchase or contract is for technical or special property that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property;"

(d) Subsection 2304(a)(17) is amended to read as follows:

"(17) otherwise authorized by law, or when in furtherance of small business, labor surplus area, or major disaster area programs, the agency head determines that supplies or services are to be procured from small business concerns as defined by the Administrator of the Small Business Administration, from concerns which will perform the contracts substantially within labor surplus areas as determined by the Secretary of Labor, or from concerns which will perform the contracts substantially within areas of major disaster as determined by the President."

(e) Section 2304 is amended by adding a new subsection as follows:

"(g) In all negotiated procurements in excess of $2,500 in which rates or prices are not fixed by law or regulation and in which time of delivery will permit, proposals shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the supplies or services to be procured, and written or oral discussion shall be conducted with all responsible offerors who submit proposals within a competitive range, price, and other factors considered: *Provided, however,* That the requirements of this subsection with respect to written or oral discussions need not be applied to procurements in implementation of authorized set-aside programs or to procurements where it can be clearly demonstrated from the existence of adequate competition or accurate prior cost experience with the product, that acceptance of an initial proposal without discussion would result in fair and reasonable prices and where the request for proposals notifies all

offerors of the possibility that award may be made without discussion."

(f) The second sentence of subsection 2306(a) is amended by substituting "(f)" for "(e)".

(g) Section 2306 is amended by adding a new subsection as follows:

"(f) No contracts shall be negotiated under this title containing a profit formula that would allow the contractor increased fees or profits for cost reductions or target cost underruns, unless the contractors shall have certified that the cost data he submitted in negotiations for the fixing of the target cost or price was current, accurate, and complete; and such contracts shall contain a provision that the target cost or price shall be adjusted to exclude any sums by which it may be found after audit that the target cost or price may have been increased as a result of any inaccurate, incomplete, or noncurrent data."

(h) Subsection 2310(b) is amended to read as follows:

"(b) Each determination or decision under clauses (11)–(16) of section 2304(a), section 2306(c), or section 2307(c) of this title shall be based on a written finding by the person making the determination or decision, and such findings shall set out facts and circumstances which (1) are clearly illustrative of the conditions described in clauses (11)–(16) of subsection 2304(a), or (2) clearly indicate why the type of contract selected under subsection 2306(c) is likely to be less costly than any other type, or (3) clearly indicate why advance payments under subsection 2307(c) would be in the public interest. Contracts negotiated under clauses (2), (7), (8), (10), (12) and for property or supplies under (11) of section 2304(a) shall be supported by a written finding setting out facts and circumstances sufficient to clearly and convincingly establish that use of formal advertising would not have been feasible and practicable. Each determination, decision, and finding required by this subsection shall be final and shall be kept available in the agency for at least six years after the date of execution of the contract to which it applies, and a copy thereof shall be submitted to the General Accounting Office with each contract to which it applies."

(i) Section 2311 is amended to read as follows:

"§ 2311. Delegation

"The head of an agency may delegate, subject to his direction, to any other officer or official of that agency, any power under this chapter except the power to make determinations and decisions under clauses (11)–(16) of section 2304(a) of this title. However, the power to make a determination or decision under section 2304(a)(11) of this title may be delegated to any other officer or official of that agency who is responsible for procurement, and only for contracts requiring the expenditure of not more than $100,000."

The SPEAKER. Is a second demanded?

Mr. BATES. Mr. Speaker, I demand a second.

Mr. VINSON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] A quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 149]

Adair	Downing	Merrow
Alford	Durham	Metcalf
Alger	Flynt	Miller, N.Y.
Anderson, Mont.	Frazier	Morris, Okla.
	Frelinghuysen	Mumma
Anfuso	Halleck	Oliver
Barden	Hess	Scott
Bentley	Holifield	Steed
Blitch	Kelly	Taylor
Bray	Keogh	Wainwright
Buckley	Lennon	Watts
Burdick	McSween	Wright
Celler	Magnuson	Zelenko
Coffin	Mason	

The SPEAKER. On this rollcall 389 Members are present, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDMENTS TO ARMED SERVICES PROCUREMENT ACT OF 1947

The SPEAKER. The gentleman from Georgia [Mr. VINSON] is recognized.

Mr. VINSON. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, this bill, H.R. 12572, is to amend the Armed Services Procurement Act of 1947.

This bill has been unanimously reported by the Armed Services Committee and there is no objection to its enactment from the Department of Defense or the Comptroller General. As a matter of fact, these amendments to the Procurement Act of 1947 were suggested by the Comptroller General's Office.

The purpose of the bill is to bring negotiated procurement under more rigid legislative control.

In accordance with the act of July 13, 1959, the Armed Services Committees of the House and Senate were directed, among other things, to study procurement methods and the type of contracts employed in procurement and the effectiveness in achieving reasonable cost, price, and profits.

As a result of that study, the Armed Services Committee recommends legislation along the lines set out in this bill, H.R. 12572.

There is no appropriation involved in this legislation; no cost attached to the Government, and it deals solely with negotiated contracts—a subject which, as you know, has plagued the Congress for many years.

The committee felt that we should define in more positive language the congressional intent relating to negotiated contracts.

The act of February 19, 1948, section 2304, states:

SEC. 2304(a). Purchases of and contracts for property or services covered by this chapter shall be made by formal advertising. However, the head of an agency may negotiate such a purchase or contract, if—

Now we amend that section to read as follows:

Purchases of and contracts for property or services covered by this chapter shall be made by formal advertising in all cases in which the use of such method is feasible and practicable under the existing conditions and circumstances. If use of such method is not feasible and practicable, the head of an agency, subject to the requirements for determinations and findings in section 2310, may negotiate such a purchase or contract, if—

What we are trying to do is to emphasize in more positive manner formal advertising.

Now to circumscribe and lessen the area of negotiated contracts we had to deal with section 2304(a)(1) of the act, which was as follows:

(1) It is determined that such action is necessary in the public interest during a national emergency declared by Congress or the President.

And we accomplish it by amending section 2304(a)(1) in the following language:

(1) It is determined that such action is necessary in the public interest during a national emergency declared by the Congress or for a period of 6 months following a national emergency hereafter declared by the President.

This language, which the committee proposes, revokes the Korean national emergency proclamation in 1950 insofar as it pertains to procurement matters. It is only related to procurement matters. However, you will note that in the event of a certain new national emergency, these extraordinary powers of negotiation may be exercised on a Presidential national emergency proclamation and for 6 months thereafter.

The bill does not stop repetitive proclamations by the President of national emergencies—nor could it.

The Department, from 1950 down to 1956, was making at least 90 percent of all its contracts under the authority of the national emergency declared by the President in the 1950 proclamation. In the original act of 1947, there was set up 17 different grounds when the negotiated contracts could be entered into.

Now what we will accomplish by repealing the national emergency proclamation of President Truman when the Korean conflict broke out is to force the Department to use the exceptions authorized in the original law. These exceptions were carefully written and require certain findings by the Department heads or in some instances, by the contracting officers.

There can be no doubt that by this amendment, cutting off the use of the President's proclamation or entering into negotiated contracts there is bound to be a lessening of negotiated contracts and getting the Department back in the road to formal advertisements more permanently than it is today.

In 1958 the House passed by rollcall vote, of 300 some odd to only 2 dissenting votes, a similar provision. However, that bill failed to be considered in the Senate.

Now we have added to exception 17 the authority to negotiate contracts by unilateral set-asides in aid of small business when defined by the Small Business Administrator, in aid of labor surplus areas when declared by the Secretary of

Labor and in aid of disaster areas when determined by the President.

But I want to make it crystal clear that this does not involve one dollar extra cost to the Government.

The prices on these set-asides must be competitive prices.

Other portions of the bill are highly important. We add a new provision which will require that negotiation be a true negotiation between competitors by written or oral discussions.

The only exception to this is where bidders are notified in advance to submit their best offer and then only when there is competition and accurate prior cost experience. That is good law and good administration. It must be obvious from what I have said that it is a needed provision of law because of confusion and violations in the past.

I think probably the most important section, dollarwise, is the provision which adds controls in the use of the fixed-price-incentive type contract. This provision has been prepared with great pains; and is one that I confidently believe is workable and very much needed.

This is probably the most difficult contract to understand and administer; and the type of contract which has been most criticized. The Comptroller General had repeatedly brought to the attention of Congress poor negotiations and excessive pricing. This type of contract accounts for 50 percent of the Air Force dollars and 12 percent of Navy dollars. It is not used in the Department of the Army. It depends for its validity upon estimates. It is a pricing by formula in which the Government and contractor are to share 80–20 percent of the difference between actual final costs and a negotiated incentive target price, fixed on estimate before production.

Therefore, the incentive target price which is produced out of estimates in a negotiation is the controlling figure. The higher the contractor gets the target price in negotiations, the more sure he is of incentive profits because actual costs underrun the target. This is his position at the bargaining table. The Government never seems to be in an advantageous position.

Indeed, the cost figures which come to Government negotiators are pretty much out of the contractor's own books. The Comptroller General has pointed out many instances where inaccurate, incomplete and out-of-date figures were used in fixing the target price. It is with the estimating of target price that this section is concerned.

First, this bill requires that the contractor certify that complete, accurate, and current data on his costs and pricing was submitted in negotiation; and it provides further that before the application of the profit-sharing formula, an audit will be made to determine whether the costs used by the contractor in the initial negotiations were, in fact, complete, accurate, and current; and, if they were not, then the incentive target price is reduced to the extent that the figures represented in negotiations were not accurate.

After that process, and only after that process of audit and determination of fact, can the profit formula be applied.

This means that the cost reductions be proven in fact and not by unrealistic or misrepresented estimates. This provision will go a long way to tighten up this type of procurement.

Another section provides that in certain of the exceptions permitting negotiations, there shall be written findings and specific data. I shall not go in further detail on that except to say that it has all been thoroughly discussed not only with the Comptroller General but with the Department of Defense, and it is necessary and workable.

The final provision of the bill merely permits delegation of responsibility in research and development contracts from the present limit of $25,000 to $100,000 which is, we feel, a more workable administrative provision.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Iowa.

Mr. GROSS. I notice in the report a statement in relation to the full disclosure provision in the bill, and I want to commend the gentleman for it. I assume it is still in the bill.

Mr. VINSON. It is still in the bill; yes.

Mr. GROSS. I want to commend the gentleman and his committee for this full disclosure provision, but the gentleman's statement as to the position of the Defense Department leads me to read this one sentence, if the gentleman will permit me: "This provision has the support of the Comptroller General, and it has at least the acquiescence of the Department of Defense."

Mr. VINSON. Well, I want to say in all frankness and candor that some of these items may not be so well liked by the Department of Defense, but we sat down with them and talked the matter over. I sat down myself with the Comptroller and we just told them we were going to write this kind of law.

Mr. GROSS. At least it has the begrudging approval of the Department of Defense.

Mr. VINSON. That is right.

Mr. Speaker, this is one of the most important bills that we will vote on in this session of the Congress, because it goes to the very heart of the expenditure for contracts involving $20 billion annually by the Defense Establishment. And we are tightening the law to see to it that the Government gets a better type of contract, with the objective of getting more competition and better prices.

Mr. SANTANGELO. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from New York.

Mr. SANTANGELO. I want to compliment the chairman and his committee for this bill. I think it is a big step forward in trying to eliminate some of the wasteful practices in the overcharges and the excessive costs that the taxpayers have to pay in the military construction program and also to the Air Force contractors and all these other negotiated contracts. I think you have done a wonderful job.

Mr. VINSON. I thank the gentleman. When this bill becomes law, coupled with the present renegotiation law on the statute books, we will get better contracts.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Ohio.

Mr. VANIK. I certainly want to compliment the chairman and his committee for the fine work they have done on this bill. I would like to inquire of the chairman of the committee whether there is in his opinion any further need for a continuation of the state of emergency, which has not yet been lifted.

Mr. VINSON. Of course, as far as the negotiation of contracts during a national emergency is concerned, that goes out by the enactment of this bill. But, the President has the authority, if he sees fit to do so, to declare another national emergency, and then you can make negotiated contracts under that new emergency. But, as far as the emergency declared in 1950 is concerned, the enactment of this bill wipes that out.

Mr. VANIK. I thank the gentleman.

Mr. BATES. Mr. Speaker, I rise in support of H.R. 12572 to amend the Armed Services Procurement Act of 1947. The full committee and the subcommittees, on many of which I have served, have spent long hours in studying procurement. It is a subject broad in scope, large in dollars, and intricate in operation. We are confronted in rapidly changing conditions with the necessity of bargaining for critical defense needs. It sometimes seems that the process is almost as complex as many of the products.

All of us have been concerned with the tremendous amount of negotiated contracting—almost 87 percent—of our dollars now. But no one has yet suggested a way in which it can be totally or even largely supplanted by the more conventional system of formal advertising.

The least we can do, therefore, it seems to me, is to add controls that will more nearly harmonize negotiation with advertised procurement; and, establish controls in negotiation that will make it more effective and satisfactory. That is what this bill does. I shall not repeat all of the bill's provisions, so ably explained by the chairman.

Let me point up some of the more important features.

First. The bill terminates the Korean national emergency proclamation of 1950 insofar as procurement authority to negotiate is concerned; but it wisely provides that on another presidential proclamation of a national emergency negotiating is authorized for a period of 6 months. After that, of course, it could be renewed if that necessity should occur. Otherwise, negotiating authority without the restrictions of the act can only occur on a national emergency declared by the Congress. This has the effect of restoring the restrictions in the act to the specific circumstances and methods prescribed in its 17 exceptions permitting negotiation.

But because we do that we must and have made provision for "set-asides" for small business concerns and for distressed and disaster area contractors. This we do in section (d) of the bill which amends exception 17 of the act to grant specific authority for "set-aside" programs. We authorize negotiated procurement for military needs when the concern falls within the definition of a small business concern as determined by the Administrator of the Small Business Administration; for a contractor living in a distressed area when the Secretary of Labor, pursuant to law, has found him to be within that category. Such a determination is made by law without regard to military procurement application; and by someone outside the Defense Department.

Likewise, when the President proclaims a disaster area, persons living within the area can benefit from negotiated procurement of Defense Department set-asides which they are able to supply. This whole section of the bill harmonizes the congressional intent that small business concerns and persons living in distressed areas be given an opportunity of supplying military needs which can be bought from them at the same prices as from competitors.

The bill does not add to the cost of the things the Government purchases for military needs, but it does permit the less favored and less fortunate to participate at no additional cost to the Government in supplying military needs as their capacity will permit.

Second. The bill places restrictions on the fixed-price-incentive contract to require that it be priced accurately in negotiation before allowing additional incentive profit.

Let me preface what I have to say by reminding you that some $8 billion of material is bought on this type of contract. It seems to have been the choice of less attractive alternatives.

Here is how it works: When a product is about to go into volume production, Government, and contractor sit down—and by this time there is just one contractor in the field whose product has been selected—and estimate what the cost of the finished article probably may be. Then a sum in dollars is added for profit. A pricing formula is then agreed upon which is this: For each dollar less than the negotiated target price, by which actual costs underrun the target price, the contractor receives 20 cents and the Government gets back 80 cents.

For every dollar the contractors actual costs exceed the target price the contractor begins to lose his normal profit up to a ceiling price of 120 percent.

Above the ceiling price the contractor pays the bill. But in all the contracts shown to us for a 4-year period, in only two instances did the contractor dig down—and they amounted to only $140,000 in $8,008 million of contracting. So the contract is not one of too much risk.

One of the difficulties with this type of contract is that it is always an estimate; and estimates of this nature are seldom accurate. That is what the Comptroller General has spoken of so often to Congress.

So this bill concerns itself with the accuracy of estimates in negotiating target prices and profits.

This bill provides that before final payment there shall be an audit of the figures used by the contractor in negotiations for fixing the target; and that there be eliminated from that target price any sums by which the price shall have been boosted by inaccurate, incomplete or noncurrent data. Then the profit formula for profit sharing for contractor efficiency in obtaining true cost reductions over the normal profit allowed in the contract can be applied; and it will then more closely represent true savings.

This is what we hope to achieve—correct and accurate pricing and a reward for real and not estimated effort.

I am confident that this is a workable provision; and I know that it meets the major criticism attached to this type of contract and to a considerable degree it will rule out the cases to which attention has been called by the Comptroller General where profits have been overestimated in bargaining.

This one provision is the most important thing dollarwise in the bill, in my opinion. No honest bargainer can object to it, it seems to me. It simply calls for the truth in bargaining and paying. I think that is not too much to expect and to require.

Other provisions of the bill are administrative. They sum up in my mind as provisions intended to tighten the controls in negotiated purchasing by requiring more positive justification for negotiation in certain of the instances where the permission to negotiate has been interpreted as an invitation.

The bill also does something about this thing called negotiation. It requires that there be competition, and oral or written discussion with offerors. Too often we have heard complaints of lack of competition and lack of discussion which to most means a written or oral exchange on competency, capacity, or price bargaining.

Now that will be mandatory. Negotiation will mean to the Department of Defense what it means to every other person. Where, however, bidders are advised to submit complete and final proposals in competition and where the Department has had prior cost experience, discussion may be dispensed. This represents an insignificant minority of cases, but is a useful administrative aid. I fully and heartily endorse this bill and I urge the House to pass it.

Mr. VANIK. Mr. Speaker, this very important legislation which seeks to provide for the reestablishment of advertised competitive bidding for the great quantity of defense procurement carried on by the several armed services is long overdue.

The failure of the executive to call off the national emergency which was proclaimed on December 15, 1950, at the time of the Korean hostilities, certainly constitutes an abuse of that authority. In this way the business of the present administration in two terms has been carried on under a state of "national emergency."

The obvious purpose of continuing the state of "national emergency" was to bypass vital and important Federal laws in procurement and other fields which become suspended with such a declaration. It is incredible that the administration should compel Congress to take this action.

I would have preferred to have supported a concurrent resolution to terminate the "state of emergency" by act of Congress. This would permit the conduct of business to be carried on in accordance with the basic established law of the land instead of the "arbitrary" discretion of the executive.

Earlier this week, the Army awarded a $34.4 million contract for the procurement of M–113 armored personnel carriers to the San Jose plant of the Food Machinery & Chemical Corp. During the past several months I have been studying the circumstances which, in my opinion, made it impossible for any other bidder to qualify for this important production contract. The bidding ground rules were, in my judgment, completely discriminatory against the use of the Government-owned Cleveland ordnance plant for this work and in favor of the award of the contract to the Food Machinery & Chemical Corp. Under wide discretionary authority, permissible under negotiated contracts and evaluations, established under procurement and Bureau of the Budget bulletins in this state of emergency, contracts can be executed by the armed services without any regard to cost, fair competition, or preservation of mobilization base capacity.

These bidding procedures, which are now under study, would never have been possible if this bill had been law prior to the granting of this contract.

Although this legislation comes too late to be helpful in the bidding procedures which have discriminated against the Government-owned plant in my city, I am happy to see it enacted into law to prevent the higher cost of defense production resulting under negotiated contracts, and the highly questionable arbitrary evaluations, which are permissible under the negotiated contract procedures.

Advertised competitive bidding will produce tremendous savings for our Government in military procurement and restore confidence to the administration of this program which requires over one-half of the total budget.

Thank you again, Mr. Speaker, for channeling and guiding this legislation through your committee and to the floor today.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SALE OF U.S. OBLIGATIONS TO FEDERAL RESERVE BANKS

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12346) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355) is amended by striking out "July 1, 1960" and inserting in lieu thereof "July 1, 1962" and by striking out "June 30, 1960" and inserting in lieu thereof "June 30, 1962".

The SPEAKER. Is a second demanded?

Mr. KILBURN. Mr. Speaker, I demand a second.

Mr. PATMAN. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. KILBURN. I am not, Mr. Speaker.

The SPEAKER. Is the gentleman from Texas opposed to the bill?

Mr. PATMAN. Mr. Speaker, I am opposed to the bill under suspension of the rules.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. SPENCE. Mr. Speaker, this bill merely extends an existing law for 2 years. It provides that the Federal Reserve banks may purchase directly from the Treasury obligations of the U.S. Government up to the amount of $5 billion. That provision expires on the 30th of June this year. Before 1935 the Federal Reserve banks had the authority to purchase obligations directly from the Treasury without limitation. By the Banking Act of 1935 that authority was taken away from them.

In 1942 the authority was given to the Federal Reserve banks to purchase directly securities of the U.S. Government from the Treasury, but the amount was limited to $5 billion; that authority was limited to a period of 2 years. The authority has been renewed periodically since that time. The purpose of this bill is merely to extend it for another 2 years, from June 30 of this year to June 30, 1962.

The Treasury is very anxious to see it reenacted. The Federal Reserve Board is for the bill. The authority has not been used very often. It has been used very sparingly, and only twice has the amount borrowed directly from the Federal Reserve banks exceeded a billion dollars. The highest figure it ever reached was $1.3 billion.

This authority saves the taxpayer money because it permits the Treasury to operate with lower cash balances than it would otherwise have to maintain.

The bill was voted out of the committee unanimously, and I know of no objection to it. I hope the Congress will pass the bill immediately. Its record of usefulness is certainly justification for its continuation.

Under leave to extend my remarks I herewith insert excerpts from the committee report on the bill, including a statement by the Treasury on the uses of this authority:

H.R. 12346 would extend until June 30, 1962, the present authority of the Federal Reserve banks to purchase securities directly from the Treasury in amounts not to exceed $5 billion outstanding at any one time.

Prior to 1935 Federal Reserve banks could purchase Government obligations either in the market or directly from the Treasury. The Banking Act of 1935, however, required that all purchases of Government securities by Federal Reserve banks be made in the open market. In 1942 the authority of the Federal Reserve banks to purchase securities directly from the Treasury was restored, but a limit of $5 billion was placed on the amount outstanding at any one time. The $5 billion authority was granted initially only through 1944, but the Congress has extended it from time to time so as to provide continuous limited direct borrowing authority ever since. The present authority was granted for 2 years and expires June 30, 1960.

The Treasury Department furnished the following statement of the principles governing use of the direct purchase authority:

"(1) The existence of the direct purchase authority permits the Treasury to operate with significantly lower cash balances than would otherwise be prudent, and still be in a position to meet cash needs in case of large unanticipated outlays or delays in receipts. This attribute of the direct purchase authority does not, as a matter of practice, require its actual use except in rare instances.

"(2) Similarly, the existence of the direct purchase authority adds significantly to the Treasury's flexibility in the management of the public debt by permitting more leeway in the timing of new Treasury issues to the public advantage than would otherwise be possible. Again, as in the first use of the authority, its availability is sufficient to give the Treasury this required flexibility even though actual use of the purchase authority is rare.

"(3) Availability of this authority has on occasion provided a useful device for smoothing out the impact on the money market and the banking system of large short-run fluctuations in the Treasury's cash balance, especially during periods immediately preceding the peak of tax collections. While this particular use of the purchase authority is less significant than during the war and early postwar periods, it continues to be desirable to have the authority available for use in situations where the technique would be especially appropriate. * * *

"(4) Perhaps most importantly, the direct purchase authority provides an immediate source of funds for temporary financing in the event of a national emergency. The immediate financial impact of such an emergency presumably would be most important with reference to the ability of the Treasury to handle the refunding of maturing debt if the emergency resulted in serious dislocation of financial markets. The need for utilizing the direct purchase authority in this way would appear to be much more urgent than to cover increased Federal Government spending (even though appropriations are increased immediately) although some use of the authority might be necessary in event of a sudden decline in revenue."

Treasury borrowing from the Federal Reserve banks under this authority has been used infrequently and then only for short periods. The last time it was used was on March 17 and 18, 1958. Borrowing has exceeded $1 billion only rarely. The following table shows the use of the direct borrowing authority since 1942:

Direct borrowing from Federal Reserve banks

Year	Days used	Maximum amount at any time	Number of separate times used	Maximum number of days used at any one time
		Millions		
1942	19	$422	4	6
1943	48	1,320	4	28
1944	None			
1945	9	484	2	7
1946	None			
1947	None			
1948	None			
1949	2	220	1	2
1950	2	108	2	1
1951	4	320	2	3
1952	30	811	4	9
1953	29	1,172	2	20
1954	15	424	2	13
1955	None			
1956	None			
1957	None			
1958	2	207	1	2
1959	None			
1960: January–April	None			

While admittedly this is a broad power, properly used it is a very useful one. It is a power which the committee believes automatically should be brought before the Congress for periodic review and hence the proposed extension of the authority for only a 2-year period. When the authority is in use a record of its use is included in the weekly statement of condition of the 12 Federal Reserve banks, which is published in newspapers on Thursday of each week. Further, it may be pointed out existing law requires that the Board of Governors of the Federal Reserve System include detailed information with respect to use of this authority in its annual report to Congress.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a portion of the report of the committee and the statement of the Treasury in regard to this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. KILBURN].

Mr. KILBURN. Mr. Speaker, I would just like to say that this bill was passed out unanimously from our committee. The gentleman from Iowa [Mr. GROSS] asked me if he should demand a second because he was opposed to the bill. I asked him not to, to let me, because the bill was passed out unanimously. I do not quite understand the rules of the House where a member of the committee can then demand a second and say he was opposed to the bill when he did not vote against it in committee. I am for the bill. It is a fine bill, just as the chairman has said. It ought to be extended. I hope everyone votes for it.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I will state in reply to the gentleman from New York that there is a difference between being for a bill presented under the rules, where amendments are in order, and in being for a suspension of the rules in which case a gag rule is imposed, and the House has no opportunity to consider amendments to the bill. The gentleman will remember that I offered an amendment in the committee, and certainly I expected to have an opportunity to offer it here. But the bill has been presented in such a way that I cannot offer the amendment. I oppose it under suspension of the rules. I respectfully submit that this is a consistent position.

Mr. KILBURN. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. KILBURN. How did your amendment come out in committee?

Mr. PATMAN. It was defeated.

Mr. KILBURN. 21 to 1.

Mr. PATMAN. If the gentleman wants to tell the whole story—and of course that was not the vote on my amendment—but if the gentleman wants to disclose what happens in confidential and executive sessions, why I shall resort to it in the future on other matters. If we are going to have executive sessions but, of course, it is the gentleman's privilege.

Mr. KILBURN. I did not mean to say anything wrong, but it was overwhelmingly defeated.

Mr. PATMAN. The gentleman, of course, takes a different view of the proposition. He has his views and I have mine. The gentleman is very partial to his views.

Mr. Speaker, I am opposed to suspension of the rules on this bill. The bill very badly needs amendment. I hope the gentleman from New York will listen to this, because I am going to say some things which will open his eyes.

What is involved here? We have on the books a law which, in effect, requires that the Government of these great United States shall pay tribute to certain Wall Street securities dealers. There are only 17 of these dealers. They all have offices within a stone's throw of one another, and they are all on a party telephone line. These 17 dealers make up the so-called open market for securities of the U.S. Government.

The practical effect of this law is to prohibit one agency of the Government from buying U.S. Government securities from or selling such securities to another agency of the Government—except as such transactions are made through one or more of this group of 17 Wall Street securities dealers. This is a very lucrative business for these dealers.

In other words, the law which this bill would amend has built a fence around the different agencies of the Government and set up tollgates for the special benefit of these 17 Wall Street dealers.

The Government cannot do business with itself. Listen to this—I ask the Members of the House and the gentleman from New York in particular—the Government cannot do business with itself. One Government agency cannot buy securities from another Government agency unless that business passes through these Wall Street dealers, and they receive their commissions, their profits, or their tributes.

This bill provides only a very small exemption, and a temporary exemption, to the general rule that we shall pay tribute to these Wall Street dealers. Furthermore, the legislative history of this bill makes it clear that even this small and temporary exemption shall most probably never be used. If the exemption is to be used at all, it is to be in the case of a national emergency or some other most exceptional circumstance. This is all spelled out in the legislative history—in the statements of the Federal Reserve and the Treasury describing the circumstances under which they expect to use the authority contained in this bill—if they use it at all. True, the bill as written gives the Federal Reserve and the Treasury all the authority they have asked for. But the present officials of these agencies really do not wish to bypass the Wall Street dealers. They think it is a fine thing to give the dealers a Government subsidy, and they are in favor of the law which requires these agencies to give the dealers the subsidy. They want the law continued and reaffirmed, and they want only a small and narrow authority to bypass this law in case of national emergency.

But I suggest there are some Members of the House who would not wish to vote to reaffirm the proposition that the Government of the United States must pay tribute to these 17 Wall Street dealers.

With reference to the fact that the bill was reported with a unanimous report from the Committee on Banking and Currency, let me make my position clear. I voted for reporting the bill, so that the House might consider it. But this was on the assumption that the bill would go through the Committee on Rules in the regular way, and the House would have an opportunity to amend the bill. True, I offered an amendment to the bill in the committee and the committee did not accept my amendment. But I believe the other Members of the House should have an opportunity to consider amendments, and I think they should insist upon having that opportunity. I believe the bill should be amended to make an even larger exception to the general rule that we shall pay tribute to Wall Street each time the Federal Reserve buys or sells a Government security. Some of the Members may wish to consider removing the general rule entirely. Some of us do not like the idea of committing ourselves to a refusal to give any consideration to the possibility of removing the tollgate which a previous Congress set up for these 17 Wall Street security dealers.

Now, let me be specific as to what the bill does.

The bill provides a temporary authority, for 2 years, for the Federal Reserve to buy U.S. Government securities directly from the Treasury. This authority is further limited, however, to this extent: The Federal Reserve could not buy directly from the Treasury more than $5 billion of such securities outstanding at any one time. In other words, the Federal Reserve could have in its vaults at any one time no more than $5 billion of Government securities which it has bought directly from the Treasury. There is no limit to the amount of Government securities which the Federal Reserve may have if it buys them through the so-called open market—which means buying them through the 17 dealers.

The question which we should consider is this—I wish the gentleman from New York would consider this: The question is, why should we have on the books a law which prohibits the Federal Reserve from buying securities directly from the Treasury, and which prohibits the Treasury from selling securities directly to the Federal Reserve? I would like to have an answer to that if someone can give it. If there is any answer other than that the law is to give these 17 Wall Street dealers a subsidy, to give them a commission every time the Federal Reserve buys or sells a Government security—I have never heard what that answer it.

The law is certainly not intended to prohibit the Federal Reserve from buying U.S. Government securities. It is not intended to limit the amount of Government securities it may buy. And in practice it in no way limits or inhibits the amount the Federal Reserve does buy.

The law says only that the Federal Reserve shall not buy Government securities directly from the Treasury. The law says the Federal Reserve System shall buy such securities only from the so-called "open market." As I have indicated, this so-called open market consists of only 17 Wall Street dealers. They are all on the same telephone line, making what are supposed to be competitive bid and offer prices to the Federal Reserve, over their party-line telephone system.

Some of these dealers are known as "bank dealers." These are certain Wall Street banks, plus two big Chicago banks which maintain offices on Wall Street for the purpose of engaging in this open-market business with the Federal Reserve. The other, nonbank, dealers are certain large Wall Street firms which also specialize in buying and selling U.S. Government securities. The biggest of all these dealers is a firm very few people outside financial circles ever heard of. This is the Discount Corp. The Discount Corp. is a joint enterprise, or a kind of consolidated trust of all the top New York banks. It is owned jointly by Bankers Trust, Chemical Corn Exchange, First National City Bank, Morgan Guaranty Trust, and the New York Trust Co. These banks all have directors on the board of the Discount Corp., and, in addition, the Chase Manhattan Bank and the Manufacturers Trust Co. also have directors on the board.

What is the purpose of this law which requires the Federal Reserve to make all its purchases and sales of U.S. Government securities through these dealers?

Several years ago I put this question to Mr. Marriner Eccles, when he was Chairman of the Federal Reserve Board.

I did not insist upon an immediate answer from Mr. Eccles. Rather I asked him to give the committee an answer in writing which would reflect the considered view of the entire Board of Governors of the Federal Reserve. I will read the question and answer—and I hope the gentleman from New York will pay careful attention to this—I quote:

Mr. PATMAN. The first question is that the law prohibits the Federal Reserve System from buying bonds directly from the Treasury. I wonder if you are in favor of changing the law, so that you can buy bonds directly from the Treasury?

(The answer subsequently submitted by Mr. Eccles is as follows:)

"The prohibition against direct purchases of securities by the Federal Reserve banks from the Treasury was put in the Banking Act of 1935 not on our recommendation. Apparently, those who placed it there believed that it would prevent the Federal Reserve banks from financing Treasury deficits. As a matter of fact, the provision would not prevent this, as the Federal Reserve banks may time their purchases of Treasury securities in the open market with sales by the Treasury. The only effect the provision has in practice in this regard is to make it necessary for the Reserve banks to pay commissions to brokers. It also makes it impossible for the Reserve banks to accept short-term certificates of indebtedness from the Treasury in anticipation of tax receipts during quarterly financing and income-tax payment periods. Such advances were previously used to avoid large temporary fluctuations in the volume of bank reserves. In view of these considerations I would be glad to see the provision taken out of the law." (Hearings before the Committee on Banking and Currency, 75th Cong., 3d sess., on H.R. 7230, p. 475.)

In other words, Mr. Eccles tried to be diplomatic about this law. He states that it was put on the books "apparently" in the mistaken belief that it would prevent the Federal Reserve banks from financing Treasury deficits. Obviously, the law does not do that and cannot possibly have that effect, as Mr. Eccles pointed out.

The only effect—and I am quoting Mr. Eccles in saying "the only effect" of the law is to make it necessary for the Federal Reserve to pay commissions to brokers. In short, the only effect of this law is to set up a tollgate for these 17 so-called open market Wall Street dealers.

Now what does this tollgate really amount to? The sums are astronomical.

Today the Federal Reserve has about $25 billion of Government securities. It has purchased all of these through these 17 dealers. Furthermore, the Federal Reserve must increase its permanent holdings at a rate of about 3 percent a year in order to provide for the normal growth in the money supply. The law says, in effect, that it can acquire these tremendous sums only through these 17 dealers.

But the really astronomical amounts of Government securities which the Federal Reserve buys are resold within the year. This is done to make seasonal adjustments in the money supply. In other words, at some times during the year the Federal Reserve wishes to expand bank reserves, and to expand the money supply. And at other times, it wishes to contract bank reserves, and thus contract the amount of money and credit available to business and consumers—and, of course, the amount available to the Government too. To do this, it sells Government securities. All of this buying and selling of Government securities is with these 17 dealers, and it normally amounts to between $5 billion and $10 billion worth each year.

The law says, in effect, that the 17 dealers must get their profit margin, their tollgate, on all of this. In other words, we have set up a subsidy amounting to hundreds of millions of dollars a year for these Wall Street dealers who do not need a subsidy.

Now let me tell you something about the profits of these dealers.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. In just a moment; just as soon as I finish this paragraph.

Last year we had an investigation by the Joint Economic Committee, and we discovered these 17 dealers are doing $200 billion worth of business in Government securities per year. That is more than three times the volume of business done in all the stock exchanges and in all of the commodity markets of the country combined. In other words, the total volume of trading in this so-called open market is more than three times the volume of trading in all the regulated markets in the country. And all of these other markets have long since been regulated for the purpose of making sure that they are free, open, and competitive markets. They are regulated for the purpose of making sure that competition really works, that prices are not fixed or rigged, that supplies are not squeezed and the market is not otherwise manipulated by any small group of inside traders.

The law to which the bill would make only a very small exemption—and a less than halfhearted exemption at that—would make absolutely no sense, would have no justification whatever, even if we were assured that this so-called open market were actually an open, free, and competitive market.

The law makes even less sense in view of the facts. This so-called open market is not an open market. It is a closed private trading club of only a small handful of Wall Street dealers—small in number, but not small in financial power. This so-called market is not regulated either by public or private trading rules. It is not supervised in any manner whatever. Is it not absurd then to have a law on the books which says that all, or substantially all, of the Federal Reserve's trading in Government securities must pass through this tollgate, that the Government of the United States shall not permit one of its agencies to buy securities from another of its agencies without paying tribute to these 17 dealers? What toll or margin of profit these 17 dealers take on these transactions, we do not know. They fix it themselves; nobody supervises it.

But we do know the amount of business they did last year, $200 billion. If they make just one-tenth of 1 percent profit on their volume, their profits would be $200 million. If they make one-fourth of 1 percent, which is not impossible or unlikely, their profits would come to half a billion dollars.

So you can see that this really goes into big money. These are the big-money boys of Wall Street that have this very special law on the books which requires the Government of the United States to drop millions into their tincups every time the Government makes a move it must make to carry out the purposes of government.

This can really affect our budget, and we are asked to continue this practice of going through these dealers' tollgate.

I will yield to the gentleman from Michigan if he would like me to.

Mr. HOFFMAN of Michigan. We all know there is something wrong with the banking business. Can the gentleman tell me whether the subject he is talking about is the same as that the Moss committee has been following for the last couple of weeks?

Mr. PATMAN. I am not familiar with what the Moss committee is doing.

Mr. HOFFMAN of Michigan. You are not?

Mr. PATMAN. No. I am awfully sorry.

Mr. HOFFMAN of Michigan. I am sorry too.

Mr. PATMAN. I cannot even keep up with my own committee. I am not familiar with what the Moss committee is doing.

Mr. HOFFMAN of Michigan. I apologize.

Mr. PATMAN. You do not need to apologize. I do not mind admitting that I cannot keep up with everything.

Now if you will, please consider this aspect of the system and tell me if it makes any sense: There are 12 Federal Reserve banks and all of them are buying and selling Government securities where they are acting as agents for their member banks, and as agents for industrial firms in their respective districts. Yet these 12 Federal Reserve banks cannot buy Government securities directly from the Federal Reserve Open Market Committee at the New York Federal Reserve Bank. They also cannot sell Government securities directly to the Open Market Committee. They must buy or sell from these private Wall Street dealers. These regional banks are frequently buying at the same time the Open Market Committee is selling, but they must buy from a dealer, and the Open Market Committee must sell to a dealer.

The Open Market Committee does the buying and selling for the Federal Reserve itself—for the System's own account. So not only does the law build a fence around the Treasury and the Federal Reserve, so as to prevent one agency from dealing directly with the other agency, the law also builds a fence around each of the Federal Reserve banks, so that one unit of an agency cannot deal with another unit in the same agency. The only way to get through any of these fences is to go through the Wall Street dealers' tollgate.

But there are more tollgates even yet. Consider this: Here we have a Federal Reserve System set up to be an intimate

and integral part of a unified banking system. One of its main functions is to adjust upward or downward to reserves. of the private banks—the member banks of the system. That is the purpose of the Federal Reserve System's buying Government securities—to create more reserves for the banks. And its purpose in selling securities, which it does in certain seasons of the year, is to extinguish bank reserves or reduce the amount of reserves the banks have. Yet even here this special tollgate set up by law for the Wall Street dealers is in operation too. Federal law puts these Wall Street dealers right in the middle of the banking system. To adjust bank reserves, the Federal Reserve cannot buy securities from its own member banks, and it cannot sell securities to its own member banks. Of course, in reality it does buy securities from its member banks, and it does sell securities to its member banks, but not directly—these 17 Wall Street dealers must have their cut. Why these Wall Street dealers should be brought right into the middle of the banking system and have a tollgate set up between the Federal Reserve System and its member banks is something yet to be satisfactorily explained.

Now I suspect I know what the Members are going to do with this bill. They will feel they just cannot take enough time to study the thing. They will not wish to upset the great Committee on Banking and Currency. But you are not going to be proud of this vote in the future, if you will look into this matter. You all serve on different committees and, of course, do not have much time to study this bill or the legislation it would amend. I simply state to you, however, that in voting for this bill you are reaffirming a policy of prohibiting one agency of the Government from buying Government securities directly from another agency of the Government. You are reaffirming a policy of requiring the Government to pay tribute to these 17 Wall Street dealers. The law now on the books gives these dealers a tollgate, and they collect a toll every time these bonds are bought or sold by a Government agency. They collect both ways, going in and coming out. And we are voting to continue that policy of giving these 17 dealers an exclusive monopoly, leaving with them the power to fix their commission or their fee, with no supervision and no control.

Mr. MEADER. Mr. Speaker, will the gentleman yield for a question?

Mr. PATMAN. I yield to the gentleman from Michigan.

Mr. MEADER. I have listened to the gentleman talk about these features with interest; but as I understand the bill before us, it relates to direct purchases from the Treasury Department.

Mr. PATMAN. That is right.

Mr. MEADER. Does the gentleman want to leave the impression that brokerage fees are paid on direct purchases?

Mr. PATMAN. No; I do not want to leave the impression that brokerage fees are paid on direct purchases. Brokerage fees are not paid on direct purchases. That is the reason I would like for all purchases to be made directly where it is in the public interest to make the purchases directly. This bill provides a small exception to the law which says purchase shall not be made directly, and the exception is for only $5 billion and under certain limited circumstances. My position is, why should we not make the exception for $10 billion or $20 billion? And why should we grant the exception under wraps of a congressional intent which says, in effect, that the authority shall most likely never be used after it is granted?

Or to put the matter more precisely, why should we have a law in the first place which says the Federal Reserve may not buy Government securities directly from the Treasury? If the Federal Reserve is buying, for whatever reasons it decides to buy, and the Treasury is selling, for whatever reasons it decides to sell, why should not the Federal Reserve be permitted to buy directly from the Treasury? As long as we are making an exception to the prohibition, why should we not strike out the prohibition entirely? If we let the prohibition stand, we are simply reaffirming the policy of giving these 17 dealers an arbitrary and unjustified tollgate.

Is the gentleman for that, to allow the 17 dealers to charge commissions, uncontrolled and unsupervised?

Mr. MEADER. It strikes me from the gentleman's reply to my question that he is talking about a totally different matter.

Mr. PATMAN. No.

Mr. MEADER. This relates to the extension of an existing law. If he is opposing that and requiring an open market, he would not be against payment of these commissions.

Mr. PATMAN. I want a bill that would expand the exception and let all purchases and all sales be made directly. I am opposed to the law which compels these different Federal agencies to go through the tollgate of these Wall Street dealers. That is all I am proposing. I think the policy which has been written into law is wrong. This bill reaffirms that policy which says we can go nowhere unless we go through these Wall Street dealers' tollgate and pay whatever toll they choose to exact.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Did the gentleman vote for this bill in committee?

Mr. PATMAN. Yes.

Mr. HOFFMAN of Michigan. Now the gentleman is opposing it?

Mr. PATMAN. Yes; and I have a perfectly logical reason for doing so.

Mr. HOFFMAN of Michigan. When did the gentleman change his mind?

Mr. PATMAN. I have not changed my mind. I offered an amendment in the committee, but the committee did not accept it; so I said I would present the amendment on the floor of the House and give the House an opportunity to accept it or reject it, as it might see fit.

Mr. HOFFMAN of Michigan. What am I to do? I would like to follow the gentleman.

Mr. PATMAN. The gentleman will have an opportunity to vote with me by voting against suspending the rules. If we insist on getting a rule on this bill, instead of suspending the rules, then I can offer my amendment and other Members can likewise offer their amendments. Then the House can vote on whether or not to accept my amendment or any other amendment. I am against suspension of the rules, because suspending the rules automatically precludes any and all amendments. I do not oppose, and I have not opposed, the bill's being brought up under a rule. I believe in free and open debate. I do not want the other Members to be denied the privilege of considering amendments and adopting amendments if, after hearing debate, they decide that amendments should be adopted. In the committee I voted for reporting the bill, but in doing so I assumed that the bill would come to the floor of the House in the regular way, in which case it could be amended in the House.

Mr. HOFFMAN of Michigan. To support the gentleman, how should I vote?

Mr. PATMAN. Vote against suspending the rules, so the Rules Committee will bring in a rule, and I can offer an amendment. That is the way to vote. I am really soliciting the gentleman's vote against suspending the rules. If we refuse to suspend the rules, the bill will be brought in in the regular way and I can offer my amendment. Then, after hearing the debate, the gentleman can decide whether to vote for or against my amendment.

Mr. HOFFMAN of Michigan. Just one more question. What assurance does the gentleman have that the Rules Committee will do what he wants it to do?

Mr. PATMAN. The Rules Committee will report a rule, I am sure, if we ask for it.

Mr. HOFFMAN of Michigan. Would the gentleman go so far as to say that if I vote against suspension of the rules and passing this bill and the Rules Committee did not report a rule, then I should sign a petition?

Mr. PATMAN. It is not the type of bill that the Rules Committee is likely to delay giving a rule. That is out of the realm of controversy.

I hope the gentleman will vote against taking up the bill under a suspension of the rules.

Mr. Speaker, we should all vote against suspending the rules. The bill should come from the Rules Committee in the regular way, with an open rule, so that the Members can consider amendments.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Speaker, this bill simply extends existing authority for another 2 years. The authority for the Federal Reserve banks to purchase up to $5 billion worth of securities from the Treasury Department was first enacted in 1942 for a 2-year period. We have been extending it each time for a 2-year

period so that the Congress is required at least once every 2 years to review the exercise of this authority and if there were any abuses of the authority to correct them.

The objection, if I understand it, as made by the gentleman from Texas [Mr. PATMAN] to the bill is that instead of this authority being for $5 billion he would take out the $5 billion limitation and insert the right or authority to buy these securities without any dollar limitation.

Well, now, the fact of the matter is that although the $5 billion authority has been in existence since 1942, only twice have the Federal Reserve banks found it necessary to use as much as $1,320 million. They have never had to use the $5 billion at any one time. So, the gentleman's argument falls of its own weight.

If they have never had to go within $2 billion at any one time, why take the limitation of $5 billion out of the law? I could understand someone urging a reduction, but not an increase.

Now, there has been some question raised as to whether or not there should be a time limitation placed on the length of time during which this borrowing may be carried on. In that connection, I wish to call your attention to the fact that in all the time that this authority has existed since 1942, the Federal Reserve System has not found it necessary to use this authority for more than 48 days during any one year, and the longest time for any one particular purchase of securities was for a period of 28 days, which is also part of that 48-day maximum period during which the authority was used once back in 1943.

All of this talk that you have heard about interest rates and boosting the interest rates and paying commissions and 17 New York banks being the sole ones who can engage in the Government bond business, is all beside the point. None of that has anything to do with this bill.

If you do not enact this bill and extend this authority, then the only way the Federal Reserve banks will be able to operate is through those 17 commercial banks. Whenever this authority is used, there are no commissions paid to anybody. No private banks are used in it. These are direct transactions between the Federal Reserve banks and the Treasury of the United States.

Mr. BARRY. Mr. Speaker, will the gentleman yield?

Mr. MULTER. I yield to the gentleman from New York.

Mr. BARRY. I would like to say that in the intervening time since the gentleman from Texas addressed the House, I got on the telephone to talk to one of the largest—in fact, the largest—bond house in the Nation, and I received this information: Their net profit for last year was $1,087,000 and, together with the second largest bond house the total profit was just over $2 million. And, they do 25 percent of the amount of business and more than the gentleman from Texas talked about. They assured me that by using that factor, a total of $8 million was the entire profit for the entire industry of 17 houses.

Mr. MULTER. I would like to remind you that before the Committee on Banking and Currency not only was the gentleman from Texas [Mr. PATMAN] given the opportunity to examine the Under Secretary of the Treasury who appeared in support of the bill, but he also made a statement. During his testimony, the gentleman from Texas [Mr. PATMAN] said:

> So, let me emphasize, Mr. Chairman, I do not oppose granting the authority outlined in this bill, but I favor extending the authority and taking the limitations and the restrictions from it so the Treasury and the Federal Reserve will have adequate power to manage the debt in the least costly way.

This bill should be passed.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BARR].

Mr. BARR. Mr. Speaker, this bill in reality is a very simple proposition. It just boils down to the simple fact that if we pass this bill today it will enable the Treasury to get by with less money in its balances. Today they can operate on a cash balance of $3½ to $5 billion. That is just what it takes to keep the United States running. In other words, they have about enough money in the banks around the country and in the Federal Reserve System to pay the U.S. bills for a period of about 2 to 3 weeks. That is all the money we are keeping on hand. I personally think that this is wise. I do not see any point to keeping any more money tied up to run the United States than there is in keeping money tied up to run a business. Keep your balances as low as possible.

This bill gives the Treasury an emergency drawing power on the Federal Reserve System to the extent of $5 billion. It has rarely been used. If you pass the bill today it means that the Treasury can continue to operate with minimum balances.

If the bill is not passed, then you had better get ready to adjust the Treasury balances upward, to the extent of about $5 billion. Somewhere we in this Congress are going to have to get that much money to the Treasury to keep on hand in the event of an emergency.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in support of this legislation. I think the easiest way to understand what this legislation does is to consider what a business, particularly a small business, does. They do not like to keep a lot of idle cash on hand. So they make an arrangement with a bank called a line of credit which enables them to call on the bank whenever they are low in funds.

This legislation gives the U.S. Treasury a line of credit with the Federal Reserve; but, to prevent this line of credit being abused, the Congress has put a limitation of $5 billion on the amount and has required the Treasury to set forth the basis or standards which they will follow in exercising this right. This bill will enable the Treasury to save money and thus save money for the taxpayers of the country. I urge the adoption of this bill.

Mr. SPENCE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to impress upon the Members of the House that this bill came out of the committee by a unanimous vote. The only objection I have heard expressed is to the manner of its consideration. Suspension of the rules is an ordinary parliamentary procedure. It expedites consideration and saves time. I asked to have the bill put on the suspension calendar because I thought there would be no objection to it. The leadership of the House put it on the suspension calendar because they thought that was the proper way to consider it. It is on the suspension calendar and needs two-thirds of the vote of the House for it to pass. I am sure it will get that.

CALL OF THE HOUSE

Mr. CHELF. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ROOSEVELT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 150]

Adair	Fino	Morris, Okla.
Alford	Flynt	Morrison
Alger	Frazier	Mumma
Anderson, Mont.	Frelinghuysen	O'Hara, Mich.
Anfuso	Grant	Oliver
Barden	Halleck	Powell
Belcher	Hébert	Reece, Tenn.
Bentley	Hess	Scott
Blitch	Jackson	Sisk
Boggs	Kearns	Smith, Calif.
Boland	Kelly	Steed
Bray	Keogh	Stratton
Brooks, La.	Lennon	Taylor
Buckley	McSween	Teague, Tex.
Burdick	Macdonald	Thompson, La.
Celler	Magnuson	Wainwright
Coffin	Mason	Wright
Cooley	Merrow	Yates
Diggs	Metcalf	Zelenko
Downing	Miller, George P.	
Durham	Miller, N.Y.	

The SPEAKER pro tempore (Mr. WALTER). Three hundred and seventy Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CANNED EDITORIALS PACE CAMPAIGN AGAINST SITUS PICKETING BILL

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, for many weeks certain lobby groups have been leveling a concerted drive against the passage of the Kennedy-Thompson "common situs" picketing bills—S. 2643 and H.R. 9070.

Latest in the series of attacks on the bill is a collection of editorials sent to Members of the House this week by the American Retail Federation. The cover reads "More Newspapers Reflect Mounting Public Indignation Over Efforts To Blast a Big Hole in the Landrum-Griffin Law With Common Situs Picketing Bill." The document reprints 52 articles and editorials in opposition to the bill from 22 States and the District of Columbia all appearing within a period of 3 weeks.

It is amazing to note in reading these clippings that the following identical editorial opposing the bill, and mentioning "a publication of the American Retail Federation," appeared word-for-word in no less than 12 newspapers within an 8-day period between May 17 and May 25 of this year:

All the evidence indicates that most Americans believe that the labor laws now on the books—including the Taft-Hartley Act and last year's Landrum-Griffin Act—are reasonable, necessary, and in no way punitive.

A great many believe that they don't go far enough to control the enormous powers of present-day unions. However, some of the labor leaders are adamantly opposed to even a minimum amount of regulation, and are determined to get rid of it.

Take, for instance, proposed legislation which would permit "common situs" picketing—a type of picketing which is presently regulated and controlled by the National Labor Relations Board, with the authority of existing law.

"Common situs" means any place—a factory, office building or building under construction—where more than one employer functions. If the legislation in question should be passed, in the words of Representative BARDEN of North Carolina, it would be possible for certain unions to shut down any construction project in its entirety, including national defense projects any time it suits their whim and fancy.

A publication of the American Retail Federation provides specific examples. If a retailer were building a new branch store, or remodeling or carrying on a major redecorating job to his present store, the bill would permit building trades unions to picket the store if any of the employees doing any of the work were nonunion. Also if a retailer were supplying merchandise to new buildings, picketing permitted by this bill could slow down or stop the construction of buildings which he had contracted to furnish.

The legislation would bring back, in principle if not in name, the secondary boycott—one of the most vicious and indefensible of stratagems.

The papers carrying this identical editorial are: Watertown (S. Dak.) Public Opinion, May 19, 1960; Helena (Ark.) World and Record, May 22, 1960; Aiken (S.C.) Standard and Review, May 19, 1960; Sharon (Pa.) Herald, May 21, 1960; Charleston (S.C.) Post, May 25, 1960; Marion (Ind.) Chronicle, May 17, 1960; Dyersburg (Tenn.) State Gazette, May 21, 1960; El Dorado (Ark.) News, May 22, 1960; Kannapolis (N.C.) Independent, May 22, 1960; Greenville (S.C.) Piedmont, May 19, 1960; Corinth (Miss.) Corinthian, May 24, 1960; Wilson (N.C.) Times, May 25, 1960.

The following editorial opposing the bill appeared word for word in seven newspapers within a 2-week period between April 28 and May 12:

When the Landrum-Griffin labor bill came up in Congress last fall, union leaders kicked up such a fuss that they succeeded in having it well watered down before it was passed.

Apparently not satisfied with this, labor lobbyists in Washington are reportedly now trying to push through new legislation which would further weaken the labor law.

Unions in the building trades are said to be urging Congress to pass House Resolution 9070, amending the labor act to permit "situs picketing." The amendment is worded so that it would legalize the secondary boycott, so viciously misused in the construction industry prior to the Taft-Hartley law.

The amendment could conceivably increase costs on all types of construction. More dangerous, it would give the leader of any building union legal power to shut down any construction project any time it suits his whim.

The proposed amendment would permit a union which has a dispute with one building contractor to strike and picket all other contractors and subcontractors merely because they happen to be working on the same building project. The effect would be to stop all work on the project—even though it might be a vital defense project.

Let's hope our Congressmen realize what is under the surface of this legislative gem when they are called to vote on it.

The papers carrying this editorial are: Cedar Springs (Mich.) Clipper, April 28, 1960; Detroit (Mich.) Investor, May 6, 1960; New Hope (Pa.) News, May 12, 1960; Oneida (N.Y.) Dispatch, May 7, 1960; Westfield (N.J.) Leader, May 12, 1960; Hawthorne (N.J.) Press, May 5, 1960; Brooksville (Pa.) Jeffersonian Democrat, May 5, 1960.

Still another editorial in the American Retail Federation collection appeared word for word in three of the newspapers. They are: Wellington (Ohio) Enterprise, May 12, 1960; Mount Washington (Ohio) Press, April 28, 1960; Alexandria (La.) Town Talk, May 24, 1960.

This editorial is as follows:

BILL TO PROMOTE STRIKES

Labor's friends in Congress are about to operate on the still-new Landrum-Griffin Act—to cut out its very heart, if they can.

Under the terms of this hard-won reform legislation, it is an unfair labor practice to picket, or strike, to force one employer to stop doing business with another employer. Such action, more commonly known as the secondary boycott, had been the chief organizing routine of the million-and-a-half-member Teamsters Union and the 18 building trades unions with a membership of 3 million.

The classic method was to threaten one employer, such as a general contractor, with a strike unless he stopped doing business with another—in most cases a nonunion subcontractor or supplier.

But the relief provided by the Landrum-Griffin Act against this unconscionable and disastrous abuse of the right to organize will be short lived if Congress can be bludgeoned into passing the Thompson bill (H.R. 9070). This sly, 18-line measure amends the section outlawing the secondary boycott by excluding its application to any "common situs" where the employees of more than one employer are engaged in the alteration, painting, repair, or other work at the place where the work, alteration, painting, or repair is being performed.

Passage of the bill and its counterpart in the Senate would license the construction unions and the Teamsters to renew the "blackmail picketing" that proponents of the Landrum-Griffin measure fought to curb. No nonunion plumber, carpenter, electrician, painter, or other building craftsman or maintenance man could be hired to build, alter, repair, paint, or install equipment in a building without the neutral employer being subject to picketing—and the closing down of the entire operation if the employees respected the picket line. No company could safely employ a nonunion subcontractor.

The language of this amendment is so sweeping it would permit strikes or picketing relating to wages, hours, and working conditions of employees at any job site and stop every truck carrying ready-mix cement to the job. If houses were being constructed or repairs being made by nonunion workers at an air base, for instance, all of the gates could be picketed and every union man in every other job on the base stopped from doing his work.

Passage of the Thompson bill would make a mockery of the McClellan hearings and the public demands growing out of them, wreck the Landrum-Griffin Act and Taft-Hartley alike. It would initiate union power as never before. It would make Jimmy Hoffa a giant. It would promote a rash of strikes such as we have never seen before.

Will your Congressman have the nerve to vote for it—and ask for your vote later?

Another word-for-word editorial against the Kennedy-Thompson bill appeared in these papers: Elizabethton (Tenn.) Star, May 12, 1960; Johnson City (Tenn.) Press Chronicle, May 13, 1960; Suffolk (Va.) News Herald, May 20, 1960—reprinted from the Dallas Morning News.

It follows:

SECONDARY BOYCOTT

With the civil rights bill out of the way, Congress is described as free to give its undivided attention to the Hoffa-sponsored "common situs" bill. It is to be hoped that the country will give its undivided attention to this proposed evil legislation. Clear away the cobwebs and this is what the bill (H.R. 9070 and KENNEDY'S S. 2643) would do:

It is a bold move to cut the guts out of the Landrum-Griffin labor reform law by giving an obnoxious form of secondary boycott free rein. If enacted, it will legalize work stoppage at any construction site. (For instance, where more than one employer functions, the operations of all contractors and neutral union workers can be halted either by a real or phony strike against a given contractor.)

The bill would scrap the careful regulations of the present law under which only applicable picketing is allowed. One possible result would be to halt construction essential to defense, if this type of blanket picketing is given a green light.

The secondary boycott would permit a union to eliminate from construction projects all nonunion groups engaged in them, whether contractors, subcontractors or their employees.

H.R. 9070 has been approved by the House Labor Committee, is before the Rules Committee. It is in the national interest to kill this partisan, unfair effort to reestablish the secondary boycott.

Mr. Speaker, this is either the most amazing example of clairvoyant editorial

writing in history or the most remarkable example of coincidence ever seen by man. Of course, canned editorials to promote some special interest are nothing new in American journalism. Many times during recent years we have heard the phrase "the kept press." I call to the attention of my colleagues in the House the latest example of this journalistic phenomenon so that the phrase may have more significant meaning.

In attacking the Kennedy-Thompson bill the intemperate, canned editorial "writers" use such descriptive phrases as "the Hoffa-sponsored bill," "one of the most immoral bills ever present before the American Congress," "a bill to cut the heart out of the Landrum-Griffin Act," "the first step by Jimmy Hoffa to scuttle the Landrum-Griffin Act," "a sabotage proposal," and "this partisan, unfair effort to reestablish the secondary boycott."

All of these editorials make it appear that somehow this is Jimmy Hoffa's bill and that its enactment will scuttle the Landrum-Griffin Act. Of course, this is a misstatement of fact and is not based on a shred of evidence. No witness representing the Teamsters Union even appeared before our committee to testify in support of H.R. 9070. Moreover, it is well known that both sponsors of the bill are high on the Hoffa "purge list."

Mr. Speaker, not one editorial mentions the fact that President Eisenhower himself has requested this legislation in three separate messages to Congress in the past 6 years, nor that the bill is supported by Secretary of Labor James P. Mitchell, and was reported by a lopsided 21–5 bipartisan vote by the Education and Labor Committee.

What amazes me most about this episode is that the American Retail Federation's lobbyists, supposedly clever and industrious, have attempted to foist this collection of canned editorials upon Members of Congress as being representative of the viewpoint of the legitimate press of the Nation. Perhaps the only explanation is that they are convinced that Members never read the material which comes into their offices anyway.

COMMUNICATIONS ACT AMENDMENTS RELATING TO BOOSTER OPERATIONS

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1886) to amend the Communications Act of 1934 with respect to certain rebroadcasting activities.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 318 of the Communications Act of 1934 (47 U.S.C. 318) is amended by striking out "(3) stations engaged in broadcasting, and" and insert in lieu thereof the following: "(3) stations engaged in broadcasting (other than those engaged solely in the function of rebroadcasting the signals of television broadcast stations), and".

SEC. 2. Section 319(d) of the Communications Act of 1934 (47 U.S.C. 319(d)) is amended by inserting after the period at the end thereof the following: "If the Commission finds that the public interest, convenience, and necessity would be served thereby, it may waive the requirement of a permit for construction of a station that is engaged solely in rebroadcasting television signals if such station was constructed on or before the date of enactment of this sentence."

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, S. 1886, as amended, is limited specifically to the rebroadcasting or booster problem.

EXTENT OF BOOSTER OPERATIONS

Boosters or repeaters have been used for some years as a means of extending television service to small communities remote from the metropolitan centers where television stations have been largely concentrated. They are technically the simplest and apparently the least expensive means of achieving that end.

Stripped to its barest essentials, a booster consists of an ordinary rooftop antenna strategically located to receive a usable, though normally weak signal from the distant station, a shielded cable connected to a small amplifier and running to a second rooftop antenna so situated as to beam the signal down into the community to be served, and an available power supply to feed the amplifier. Such an array receives the distant signal, amplifies it, and rebroadcasts it at low power on the same channel.

Booster installations now serve hundreds of landlocked areas, sparsely settled communities and sections that are distant from regular television stations which otherwise would be without television service. In most cases the installations are cooperatively financed. The contributions are solicited, in nearly all the cases, throughout the community or memberships are sold in a television club in order to finance maintenance and operation of the system.

HISTORY OF FCC ACTION ON BOOSTERS

The Commission had under active consideration a proceeding concerning the authorization of low-power television repeater operation—docket No. 12116.

On January 5, 1959, the FCC issued its report and order in docket No. 12116 in which a majority held that it would not adopt regulations authorizing the operation of a booster or repeater in the VHF band—and released a public notice indicating that it would institute necessary legal proceedings to bring a halt to the unlicensed operation of boosters in the VHF band unless within 90 days the operating VHF boosters stated their intention to go to some other type of authorized television operation.

It has been estimated that there were more than 1,000 of these VHF boosters operating at that time, particularly in the western part of the United States, serving thousands of people in sparsely settled areas and distant from any regularly operated television station.

On January 27, 1959, the FCC by a public notice announced that it was giving further study to the legal and technical aspects of the problem and that such studies would include possible new legislation looking toward amending the Communications Act and provide more flexibility in administering section 319 and a possible relaxation of the operator requirements for broadcasting stations.

On April 14, 1959, the Federal Communications Commission issued its public notice No. 72034 and stated that it was recommending to Congress that amendments be made to the Communications Act so as to permit it to license qualifying television repeater or booster stations in the VHF band under certain conditions.

EXPLANATION OF BILL

Under the present provisions of section 318 of the Communications Act, all transmitting equipment in any station licensed under the act must be operated by persons holding an operator's license issued by the FCC. At present, the Commission is given discretion to waive that requirement except for certain named categories.

The bill, as amended, would grant the FCC discretion in waiving the operator requirement with respect to booster stations or other stations engaged solely in the function of rebroadcasting the signals of television broadcasting stations.

The second section of the bill concerns section 319 of the Communications Act. Under the present provisions of section 319 the FCC would be unable to issue licenses to those booster stations that are now on the air since those facilities were constructed before the Commission granted such facility licenses. The bill would amend section 319 so as to give the FCC sufficient discretion, if it finds that the public interest, convenience, and necessity would be served thereby, to waive the requirement of a construction permit for a booster station or any other station that is engaged solely in rebroadcasting television signals if such station was constructed on or before the enactment of this legislation.

All facilities that are now operating will be required to meet all the requirements which may be promulgated by the FCC.

These are very low-powered television stations which rebroadcast television programs on one of the 12 VHF channels allocated for television. These stations have been constructed on an illegal basis so far as the present provisions of the Communications Act are concerned in order to bring television service to persons residing in sparsely settled areas in mountainous regions located principally in the Far Western States. The Federal Communications Commission has on three separate occasions refused to legalize these operations because of the interference they could cause, and because the Commission felt that there were other methods of effectively bringing television service to these areas without any interference problems being created thereby.

The hearings we have held have revealed that despite the repeated turndowns of VHF boosters by the Federal

Communications Commission, they have continued to multiply so that at the time of the hearing before your committee, the FCC reported that these stations are now in the vicinity of 1,000 in number. It appears that practically all of these VHF boosters are located in the Far Western States.

The Federal Communications Commission now feels that in view of the reliance by many people upon VHF boosters for television service and of the substantial investments that have been made by the public in VHF boosters, it is not practicable to close down these boosters. The Federal Communications Commission believes that some provision must be made for their continuance upon a legalized and regulated basis. However, the Commission assures us that if such operations are legalized the operation of these stations will be permitted only under suitable conditions that would keep to a minimum the potential for disruptive interference which inevitably results from booster operation.

The Federal Communications Commission has advised us that two provisions in the Communications Act as presently written impose difficulties in accomplishing the objective of legalizing boosters. The first is the provision of section 318 of the Communications Act requiring that all transmitting apparatus be operated by a person holding a radio operator's license. The Commission has no authority to waive this requirement so far as broadcast operations are concerned. The bill before you would give the Commission discretion to waive the operator requirement with respect to television rebroadcast stations if it is found that public interest, convenience, and necessity would be served thereby.

The second difficulty is found in section 319 which forbids the Commission to issue a license for a station where construction has been undertaken prior to the receipt of a construction permit from the Federal Communications Commission. All of the boosters which are presently in operation, of course, were constructed before a construction permit was received from the Commission and cannot be licensed under the present provision of the Communications Act. Under the bill before you, the Commission would be given discretion if it finds that public interest, convenience, and necessity would be served thereby to waive the requirement of a permit for construction of a station that is engaged solely in rebroadcasting television signals if such station were constructed on or before the date of the enactment of the instant bill. In effect, this provision would authorize the Commission to establish "grandfather rights" for those VHF boosters which initiated operation without authorization before the enactment of the instant bill.

In view of the testimony of the Federal Communications Commission and the showing that has been made as to the reliance which residents in sparsely settled areas of the West have placed on these VHF boosters, the committee has approved the bill now before you. In so doing we have relied upon assurances given by the Commission that appropriate regulations can and will be drawn to keep interference from such operations at a minimum.

I have already mentioned the fact that the Commission has shown great reluctance in the past to license VHF boosters. This reluctance has been based upon the twofold feeling that there was a great potentiality of serious interference resulting from such operation and also because of the availability of alternative means of bringing television service to the areas in question by means which involve no interference problems. Despite its change of position to recognize the practical need for enabling sparsely settled communities in mountainous regions, particularly in the West, to be able to continue to receive television service from VHF boosters, the Commission is under a duty to make sure that these operations are conducted in accordance with rules and regulations that provide maximum protection against disruptive interference and to encourage, wherever feasible, the use of alternative methods of bringing television service that do not entail interference problems. We are sure that the Commission in acting under the bill we are recommending for your adoption, will keep this in mind.

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I strongly support the legislation to make possible the continuance of low-power television booster stations. The legislation before us is in the public interest because it will enable many thousands of persons living in sparsely settled areas or in rugged terrain to receive the benefits of television.

The legislation would accomplish two purposes. First of all, with respect to stations engaged solely in the function of rebroadcasting the signals of television broadcast stations, the Federal Communications Commission is authorized to waive the statutory requirement that broadcast stations be operated only by licensed operators. Secondly, the legislation would authorize the FCC to waive the requirement of a construction permit for a station that is engaged solely in rebroadcasting television signals if such a station were constructed on or before the enactment of this legislation.

Mr. Speaker, for many years, so-called booster or repeater units have been operated in small rural communities or in areas of mountainous terrain where high frequency television is prohibitive. A TV booster is a simple, inexpensive device ordinarily financed by cooperative community action. These devices pick up the signal from a nearby television station and beam it on a short-range, low-power system to television sets within the immediate area. Such low-power operations do not interfere with normal high-frequency telecasts.

On December 31, 1958, the Federal Communications Commission threatened the continued operation of such booster stations by requiring that they must convert to high-frequency operation within 90 days. This order, had it been allowed to stand, would have meant that many communities would have lost their television reception entirely.

For that reason, I joined with a number of Members of Congress in sponsoring legislation to bring about a reversal of this unfortunate announcement by the Commission.

Since that time, the Commission has reconsidered its action and has requested legislation similar to the bill now pending before us. I am pleased that the FCC, the Federal Aviation Agency, the Department of the Air Force, the Department of Commerce, and the Bureau of the Budget are all in agreement as to the desirability of the proposed legislation.

Mr. Speaker, in the interest of the many thousands of citizens in western South Dakota and other similar areas, who depend upon TV booster units for television reception, I urge the speedy passage of this legislation.

Mr. THOMSON of Wyoming. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. THOMSON of Wyoming. Mr. Speaker, I urge favorable consideration of S. 1886. The action of the House of Representatives on this bill will at long last make it possible to legalize existing booster television operations which are so vital to the Western States and have been invaluable in providing free television reception to remote sections of Wyoming.

I am pleased that we are able to take favorable action on this bill so that it may become law in this session of Congress. It is legislation that is most important and is, I am convinced, in the public interest.

As Wyoming's sole U.S. Representative, I have closely followed the actions on this bill—both in the House and the Senate. I appeared before both the House and Senate Interstate and Foreign Commerce Committees and presented detailed statements outlining why action on the bill is imperative.

The reason this bill will be of vast benefit to so many television viewers in the West is that so many small communities and rural areas can receive television signals by no other means than by television booster stations.

The primary objective in the public interest is to make available to the maximum possible number of our citizens the benefits of television.

In Wyoming, a large portion of our population is dependent on these television booster systems for television reception and cannot expect to receive a usable picture through any other means.

The impact of television boosters on Wyoming is pinpointed when one realizes that about 60 percent of Wyoming television viewers see TV over booster systems and at least one-fourth of the people of Wyoming cannot expect to

receive a suitable TV signal by any other means.

The Federal Communications Commission is now proceeding to formulate regulations for the licensing of new VHF booster stations and for the operation of these stations, in their proceeding which is known as docket No. 12116.

There is no doubt, Mr. Speaker, of the FCC's authority to license and promulgate operating regulations, but I would point out that these regulations must be reasonable and in the public interest.

The Wyoming TV Repeater Association has submitted several recommendations for amendments to the regulations that the FCC has proposed, dealing with the operation of booster systems. I have joined in urging that the FCC give these recommendations of the Wyoming association careful and favorable consideration.

And, in this regard, unless action is taken to reasonably provide for the needs of these booster operations—which are so important for the entertaining and informing of so many Wyoming people—it may well be that additional legislation will be required.

In the meantime, however, this legislation would remove the obstacles to continued operation of booster stations already constructed.

I would also point out, Mr. Speaker, that all booster facilities that are now operating will be required to meet all of the requirements which may be promulgated by the Federal Communications Commission. This is pointed out by the House committee report on S. 1886, and must be borne in mind.

I have made a serious effort to identify the guiding principles which I think should control our efforts to solve problems which have come up with respect to the television industry and its impact upon my section of the country.

Mr. Speaker, I sincerely believe that the bill now before us, which will help solve the problems that the booster television systems in the West now face, should be approved.

I urge that the bill be passed.

Mr. DIXON. Mr. Speaker, I would like to thank the members of the House Interstate and Foreign Commerce Committee for reporting out S. 1886 and thank the House for passing it today.

A major purpose of the Federal Communications Act has been to provide free radio and television to the citizens of the United States. However, failure to enact this law would have terminated that desirable objective for many of the rural people of the West.

For example, in Utah 80 percent of the area of the State is or could be served by boosters. The State of Utah has enacted a law permitting local governments to erect these booster stations in areas where television signals do not reach. These boosters are already in use in 19 of the 29 counties.

These boosters are infinitely less expensive than the ultra-high-frequency systems. The boosters in Utah have not interfered with other signals and have provided educational and entertainment values to our farmers who have been economically hard hit and therefore can less afford to pay for expensive television systems.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. HARRIS. Mr. Speaker, I take this time to inform the Members of the House that the bill that has just been passed is what is referred to in the communications field as the "booster" bill. There are many Members of Congress, particularly from the west and northwest part of the country, who are tremendously interested in the program.

I will have a statement in the RECORD just prior to adoption of the bill explaining what it is. The bill's provisions have been carefully worked out and it was unanimously agreed to. On the whip notice, unfortunately, it was referred to as the "community antenna television system." That is incorrect. This bill does not refer in any way to community antenna systems. A bill dealing with that problem will come up for separate consideration.

In view of the fact that there have been so many Members, probably 30 or 40 Members of the House, who have been inquiring about this matter, I wanted them to know that this is the bill they have been interested in.

TERMS OF OFFICE OF MEMBERS OF CERTAIN REGULATORY AGENCIES

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1965) to make uniform provisions of law with respect to the terms of office of the members of certain regulatory agencies.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first section of the Federal Power Act (16 U.S.C. 792) is amended to read as follows: "Their successors shall be appointed each for a term of five years from the date of the expiration of the term for which his predecessor was appointed and until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office, and except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term."

SEC. 2. The first sentence of subsection (c) of section 4 of the Communications Act of 1934 (47 U.S.C. 154(b)) is amended to read as follows: "The Commissioners first appointed under this Act shall continue in office for the terms of one, two, three, four, five, six, and seven years, respectively, from the date of the taking effect of this Act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years and until their successors are appointed and have qualified, except that they shall not continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he succeeds.

SEC. 3. The fourth sentence of subsection (a) of section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78 (d)) is amended to read as follows: "Each Commissioner shall receive a salary at the rate of $20,000 a year and shall hold office for a term of five years and until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office, and except (1) any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the Commissioners first taking office after the enactment of this title shall expire as designated by the President at the time of nomination, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after the date of the enactment of this title."

The SPEAKER pro tempore. Is a second demanded?

Mr. BENNETT of Michigan. Mr. Speaker, I demand a second.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, this is a Senate bill and it has to do with the terms of office of certain Commissioners of major regulatory agencies. It deals with the members in reference to their term of office as follows: The Federal Communications Commission, the Federal Power Commission, and the Securities and Exchange Commission.

The bill would permit a member of one of these agencies or Commissions to continue to serve in office following the expiration of his term until his successor has been appointed and qualified, but not to exceed the end of the following session of Congress. It does no more than bring these agencies into line with the Civil Aeronautics Board, the Federal Trade Commission, and the Interstate Commerce Commission.

Mr. EVINS. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Tennessee.

Mr. EVINS. I have been interested in legislation pending before the gentleman's committee which would place the Chairmen of these important regulatory Commissions on a rotating basis, on a basis of where they are elected by the Commissioners themselves for Chairman rather than being designated by the President. Legislation along this line has been introduced. It is very important, in my judgment, that this reform and change be made. Our independent agencies should be arms of the Congress rather than agencies of the Executive.

Would this bill also provide for the election of the Chairmen by the Commissioners, or would it continue the procedure whereby the Chairman is designated by the President?

Mr. HARRIS. The gentleman raises a very important question. I support the provision or bill, as the gentleman knows, that would give the authority to the agencies to select their own Chairmen. However, that subject is not dealt with here. That is contained in another bill that is before our committee.

Mr. EVINS. Certainly the distinguished chairman knows of the many abuses and improper influence that have arisen in certain of the Commissions. I believe that many of these unwholesome practices would not have developed under the former system prevailing. I hope that the gentleman and his committee will act on this legislation.

Mr. HARRIS. The committee has held hearings on this and other subjects.

Mr. Speaker, I said a moment ago that these members would serve until their successors had been appointed and qualified, but not exceeding the end of the following session of Congress. We feel that this legislation which puts all of the regulatory agencies in a similar position is necessary so that the agencies may be kept up to full strength and be better enabled to keep on top of the monumental amount of work they have to perform.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MACK].

Mr. MACK. Mr. Speaker, the gentleman from Tennessee just raised a very important question, and that has to do with the appointment or election of chairmen of the regulatory agencies. The Subcommittee on Legislative Oversight has studied this problem for some 2½ years and has reached the conclusion that we have entirely too much domination in the regulatory agencies by the executive departments and by the industries that they are supposed to regulate. The agencies, purely and simply, are not independent.

Now, Mr. Speaker, this bill is a very simple bill on the surface, and I am opposed to it. I have been joined by one of my colleagues in filing minority views. I recognize the fact that most of us here are practical politicians and, therefore, I foresee little chance of stopping this bill at this time. But this is bad legislation. It establishes a dangerous precedent and it is being proposed at this time so that the party that is successful next January—and I think it is going to be my party—will be able to appoint certain commissioners for these agencies. I maintain that it is the responsibility of this Congress to see that we have well qualified people serving in the agencies and that we should express our opinion as to whether or not anyone is capable and qualified to serve in the regulatory agencies.

In my opinion no commissioner should be appointed and confirmed who is not eminently qualified to serve. Those who are qualified to serve should be appointed now and should be confirmed now. The President and the Congress have the joint responsibility of seeing to it that the men serving on these commissions are well qualified and able to resist outside pressures whether they come from the Office of the President or from the industries which these men are supposed to regulate. The instant bill on the other hand provides an opportunity of shirking this important responsibility.

Mr. Speaker, if we enact this legislation we are giving a green light to the continuation of political influence in the operation of the regulatory agencies. It would continue the reprehensible practice of making a political football of these supposedly independent agencies. This bill also makes possible a recurrence of the Bernard Goldfine-Sherman Adams affair.

I ask the Members of the House to take the time to read the separate views that I have filed on this subject because I am not going to take the time to bore them with all my views concerning the bill.

Mr. HECHLER. Mr. Speaker, will the gentleman yield?

Mr. MACK. I will be glad to.

Mr. HECHLER. If this bill is passed, would it not give an opportunity for the Federal Power Commission to exert the authority which Congress has tried to give it to establish a policy to regulate natural gas rates and, thereby, protect the consumers of this country? Would not this bill speed up that process?

Mr. MACK. Well, this bill certainly will not protect the public interest. You want to remember that when the commissioners are appointed and confirmed, they can go into the Commission and vote on any case pending if the oral arguments have not been held. We have cases involving television channels that have been pending for 8 or 10 years. We have other cases before the other regulatory agencies that have been pending for as long as 12 years. Many, many cases before these commissions are pending for 6 or 8 months to a year. The potential commissioners could decide cases involving $10 million or even, in the case of pipelines, $50 million, and therefore I again restate my conviction that this is a dangerous precedent and this bill should not be passed.

Mr. BELCHER. Mr. Speaker, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Oklahoma.

Mr. BELCHER. I want to congratulate the gentleman on a very fine statement that he has made and I want to associate myself with his remarks.

Mr. MACK. I thank the gentleman.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. MACK. I yield to my very good and distinguished friend from Kansas.

Mr. AVERY. I thank the gentleman for yielding to me. Would he not agree with this. Perhaps this is not as radical a departure from the present law as might have been inferred. For instance, the President of the United States, under present law, can make what we characterize as interim appointments that would carry along to the same time as provided in this bill. This would merely affect the incumbent during his term of office.

Mr. MACK. I would like to state also that it is my understanding that there is going to be some move made in conference to permit the new President to designate the Chairman of the Federal Power Commission. This, again, is a very dangerous precedent and it certainly would not respect the independence of the regulatory agencies if this were done. I shall fight in opposition to that.

Mr. BENNETT of Michigan. Mr. Speaker, I have no requests for time.

Mr. HARRIS. Mr. Speaker, I take 1 minute just for clarification. As I said at the outset, this is a bill that came from the other body. The chairman and members of our counterpart committee over there asked me to present it to the committee and get it out because it would help them in their responsibility there on confirmations that are pending.

Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Speaker, I join my distinguished subcommittee chairman in opposition to this legislation, recognizing full well that we have little chance of impressing the House with the justice of our views. But historically here is what has happened: The Congress of the United States, in order to expedite certain operations of the Government, created by legislation certain regulatory agencies which are given administrative power. Once the Congress created those agencies, it had in purpose that these agencies would be independent of the Congress and independent of the Executive in order to carry out the administrative processes, following legislation, over such things as the railroads, Federal Power, Federal Communications, and the like.

What has happened since is because of the spoils system. Let me say here that Andrew Jackson was born in my district and he made more manifest the spoils system. It might have worked in his day and time, but the findings of the Legislative Oversight Committee, of which I am not a member, but which has done a good job, show up the unattractiveness of the spoils system today.

The Adams-Goldfine matter is one classic example of what has been happening in the Government and what can happen as a result of the fact that the executive branch of the Government has the power of appointment. What has happened to these agencies is that the Congress has lost what control it had over the agencies, to a large extent. The Executive has the control over the agencies. The gentleman from Illinois [Mr. MACK] and I had the idea, and I think it is the right idea, to try to restore to these particular agencies the integrity of the courts, as they were supposed to have. We do not have any trouble today with the Federal courts or with the State courts. I am happy to say that in my own State we have never had a judge who was corrupt, since Reconstruction.

I am sure the people of this country want the administrative agencies uptown to be clean, honorable, and separate and apart from influence peddling and the like. Our courts are that way. Why should not these administrative courts be that way? The point my distinguished subcommittee chairman and I make is not that we think we can convince you, but we want you to think about this minority report and we want

to put it on record so that they will know uptown that there are some of us down here demanding the same thing we demand of the courts in this land, especially in the administrative courts because their procedures are different and simpler.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from California.

Mr. COHELAN. I am very much interested in the gentleman's thesis. I was wondering if he would be kind enough to comment on whether or not he feels that an administrative body falls under the executive, the legislative, or the judicial branch of Government.

Mr. HEMPHILL. It was my conception that since Congress created the regulatory agencies the Congress should have the right to say more about it. The administration in power has the right to nominate. The Senate must confirm. Nevertheless, the control of Congress over the administrative courts was such that we did not have these difficulties until they slipped under the control of the Executive.

Mr. EVINS. Will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. EVINS. The Chairman of the Interstate Commerce Commission is selected by the ICC Commissioners themselves. That is one of the Commissions in which the Chairman is not designated by the President, whichever party is in power. The Federal Communications Commission has a unique method by which its Chairmen are elected, but all of the other Commission Chairmen are appointed by the Chief Executive. If the gentleman and his committee would take action on legislation to require that Commission Chairmen not be appointed by the Executive but elected on a rotation basis—by the members of the Commissions, I think that would be a step in correcting the abuses that have developed.

Mr. HEMPHILL. I think the gentleman is correct. I am not trying to cast any reflection on the people that hold office today, but I am saying we have some responsibility to the American people to make sure that this thing is good and clean.

The thing that bothers me, and this is a serious thing that people do not think of enough, is that people begin to lose confidence in their form of government. They lose confidence in the decisions that are made by regulatory agencies every time one of these things is exposed, such as have been exposed by my chairman and his Subcommittee on Legislative Oversight. They have done a great job. But I do not think this legislation goes far enough. I think the job they have done shows the opportunity we have, and I believe the Congress would be supported by the people of the country if they cleaned up the thing. That was our idea, hoping to pass it on to you.

Next year I hope to offer legislation along this line. I wish post office appointments were not political. It is my hope that some day we may have all appointees to these regulatory agencies with the same stature as our Federal judges.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill S. 1965, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CIVIL AERONAUTICS BOARD

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7593) to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes, as amended:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the Civil Aeronautics Board (hereafter in this Act referred to as the "Board") is empowered—

(1) to validate for a period not to exceed twelve months from the date of enactment of this Act, without further proceedings, any temporary certificate of public convenience and necessity for supplemental air transportation issued pursuant to Board Order E–13436 of January 28, 1959, or Board Order E–14196 of July 8, 1959, which certificate has not been revoked or otherwise terminated by the Board on or before the date of enactment of this Act; and

(2) to confer interim operating authority to engage in supplemental air transportation for a period not to exceed twelve months from the date of enactment of this Act upon any air carrier which (A) has operated in interstate air transportation as a supplemental air carrier pursuant to authority granted under Board Order E–9744 of November 15, 1955, and (B) has an application for a certificate as a supplemental air carrier pending before the Board on the date of enactment of this Act.

SEC. 2. (a) Nothing in this Act shall be construed to affect the authority of the Board—

(1) to maintain any enforcement or compliance proceeding or action against the holder of a certificate of public convenience and necessity issued pursuant to Board Order E–13436 of January 28, 1959, or Board Order E–14196 of July 8, 1959, or against the holder of any operating authority conferred under Board Order E–9744 of November 15, 1955, which proceeding or action is pending before the Board on the date of enactment of this Act; or

(2) to institute, on or after the date of enactment of this Act, and enforcement or compliance proceeding or action against the holder of any certificate or operating authority referred to in paragraph (1) of this subsection with respect to any violation of (A) the provisions of the Federal Aviation Act of 1958, (B) the provisions of such certificate, (C) the terms of such operating authority, or (D) the regulations of the Board, without regard to when such violation occurred.

Any sanction which the Board lawfully could have imposed on the operating authority of an air carrier for any violation referred to in paragraph (2) of this subsection which occurred before the validation of a certificate of public convenience and necessity for or before the conferring of any operating authority for, supplemental air transportation under this Act, may be imposed on the operating authority of such air carrier granted under paragraphs (1) or (2) of the first section of this Act.

(b) The authority granted to the Board under this Act shall not affect any other authority of the Board to license air carriers to engage in supplemental air transportation.

(c) Any certificate validated, and any operating authority conferred, by the Board under this Act shall extend to service between the State of Hawaii and the other States of the United States to the extent that such service was authorized pursuant to Board Order E–9744 of November 15, 1955. For the purposes of any such certificate or operating authority, the State of Hawaii shall be considered one point.

The SPEAKER pro tempore. Is a second demanded?

Mr. COLLIER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second is considered as ordered.

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the legislation now before us deals with the rights of some 25 so-called supplemental carriers, the so-called irregular or nonscheduled carriers to continue in operation for 12 months.

When the Civil Aviation Act of 1938 was passed, it provided for the regulation primarily of scheduled air carriers between points in the United States and on established routes.

Shortly after passage of the Civil Aeronautics Act of 1938, the Board issued an exemption order authorizing nonscheduled operations. Thereafter nonscheduled operations continued over the years under exemption authority granted by the Board under section 416(b) of the Civil Aeronautics Act of 1938, identical with section 416(b) of the Federal Aviation Act of 1958.

The nonscheduled operations initially authorized by the Board largely were conducted with aircraft smaller than those used in regular airline service.

At the end of World War II, a considerable number of larger surplus military aircraft became available at relatively low prices for purchase or lease, and many nonscheduled operators acquired these larger aircraft. Passenger-carrying operations consequently were expanded.

With this development, the Board, in 1947, revised its exemption regulations and began to distinguish between operators of transport-type aircraft—large irregulars—and small aircraft—small irregulars.

In this revision the Board prohibited the large irregulars from operating "regularly or with a reasonable degree of regularity," but permitted these carriers to operate as many as 8 to 12 flights a month between the same points.

In 1951 the Board instituted the large irregular air carrier investigation.

After extensive hearings, the Board, in 1955, granted the large irregular carriers unlimited charter authority, plus authority to conduct special service flights not to exceed 10 per month in each direction between any 2 points. The new authority was granted on an interim exemption basis, pending final decision by the Board as to the qualifications of individual carriers and as to

whether the final authorization should be by certificate or by exemption.

This order granting interim exemption authority was set aside by the Court of Appeals for the District of Columbia Circuit on July 19, 1956, on the ground that the Board had not made sufficient subsidiary findings to sustain the statutory findings required for exemption; to wit, that enforcement of the certificate requirements of section 401 would be an undue burden on such air carriers, by reason of the limited extent of, or unusual circumstances affecting, the operations of such carriers.

The court, however, stayed the mandate in this decision pending the Board's decision on the question of certification in the large irregular air carrier investigation, and the carriers continued to operate.

The Board, on January 28, 1959, issued temporary certificates of public convenience and necessity for supplemental air service to 23 air carriers found by the Board to be fit to receive them. Two additional certificates were issued July 8, 1959.

Under these certificates, supplemental air carriers were authorized to conduct, without reference to any specific terminal or intermediate points, not more than 10 flights carrying individually ticketed passengers or individually waybilled property in the same direction between any single pair of points in any calendar month, and to render unlimited planeload charter service. This authorization was limited to interstate air transportation.

The authority of the Board to issue such limited certificates was challenged in the Court of Appeals for the District of Columbia.

The court, in its decision of April 7, 1960, set aside the Board orders and the certificates for supplemental air transportation issued thereunder. The court held that the Board's action in certificating supplemental air carrier operations was legally deficient in three respects:

First. The certificates issued by the Board do not specify the terminal and intermediate points between which air transportation is authorized but grant a blanket authorization to operate between any two points in the United States, which conflicted with section 401(e) of the act.

Second. The certificates issued by the Board contain a limitation of 10 flights per month in the same direction between the same 2 points.

In the opinion of the court, this limitation was in violation of section 401(e) of the Federal Aviation Act which provides, in part, as follows:

> No term, condition, or limitation of a certificate shall restrict the right of an air carrier to add to or change schedules.

Third. In referring to the determination of fitness required by section 401(d) of the act, the court pointed out—one judge dissenting—that the Board gave the same nationwide cargo and passenger authority to each of the applicants to which it issued certificates. The court stated that in many instances the prior operations of the individual applicants had been small or specialized and that their financial resources were inadequate for the newly authorized operations. It would thus appear that the court's standard of fitness that each carrier must establish would be greater than that found by the Board to be necessary for supplemental service.

Concerning what could be done about the problem, the court said:

> If the requirements of section 401(e) interpose an insuperable obstacle to the full development of supplemental air service, which they may well do, the problem is for the Congress. The Board should present it there.

The Board then urged the Congress to give early consideration to this proposed legislation.

This bill was introduced at the request of the Civil Aeronautics Board on June 5, 1959. This bill proposed to amend the act to give the Board permanent authority to issue limited certificates.

In view of the fact that the Board had had this problem of nonscheduled air transportation under consideration since 1951, and in view of the fact that this is a very complex, complicated problem, our committee decided that rather than let these little supplemental carriers be forced out of business this summer as a result of this court decision, and not having time between now and the adjournment of Congress to give serious consideration to permanent legislation granting authority for limited certification, the committee amended the bill that was sent to us by the CAB so as to provide stopgap authority to the CAB to permit these carriers to operate for 1 year until the Congress has time to give a serious and thorough look at this question. That is the bill before us at the present time.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Connecticut.

Mr. DADDARIO. On the first page of your report, you talk about the Civil Aeronautics Board having authority through this bill to take care of this temporary situation. I wonder, under your section (B) where you say, "Has an application for a certificate as a supplemental air carrier pending before the Board on the date of enactment of this act," what happens to those supplemental airlines, now operating, which have had their certificates denied by the Board and which have appealed to the courts on the question of whether or not the Civil Aeronautics Board was correct in denying their certificate. They are still flying. Does this act cover them?

Mr. WILLIAMS. I would assume that the gentleman has reference to the case of the Great Lakes Airlines, Currey Air Transport, Trans-Alaskan Airline, and Central Air Charter.

Mr. DADDARIO. I wonder what would happen to them under this bill?

Mr. WILLIAMS. The Board refused to issue certificates to them, as I understand it, and they have appealed to the courts. However, as far as this bill is concerned—and that is what you are interested in—this bill makes no mention of that case. Their case is presently in litigation before the courts. This bill is not applicable to them. So they will be in the same status as if this bill had not passed. It does not jeopardize their position and it does not grant them any additional rights.

Mr. DADDARIO. Will it prevent their cases being considered in a court of law, even though they are not mentioned in this bill?

Mr. WILLIAMS. No. It does not prevent their cases being considered in a court of law.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Arkansas.

Mr. HARRIS. Is it not a fact that this bill is very simple in character, and it does nothing except to provide stopgap legislation? Everything is status quo with reference to this type of carrier for 1 year, giving the Congress an opportunity to try to work it out when we come back next session?

Mr. WILLIAMS. The gentleman has stated the case exactly.

Mr. HARRIS. And is it not a fact that these so-called supplemental carriers will be out of business unless this legislation is passed?

Mr. WILLIAMS. If this legislation is not passed, they face the danger of being put out of business before Congress could act next session.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Following that line of reasoning, if this act covers that situation so that it will not prevent the supplemental airlines from operating, the question then comes back to those airlines which have their appeals before the court. As I understand your explanation, even though they are not included within the scene of this bill, they will not be adversely affected?

Mr. WILLIAMS. No, sir. Their lines will not be adversely affected, except that they are not included within the scope of this legislation.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Illinois.

Mr. MACK. Is it not true that there is a difference in the requirements of standard of fitness between regular carriers and supplemental carriers?

Mr. WILLIAMS. That is one of the reasons that the committee felt the committee should not act at this time on permanent legislation of this type, because that is a matter that the committee wanted to go into thoroughly. We did not have an opportunity to do so.

Mr. MACK. Both supplemental and regular carriers engage in the carrying of passengers in the normal course of conduct?

Mr. WILLIAMS. That is right.

Mr. MACK. It seems to me that your committee should look into this matter to see if all commercial carriers, carrying passengers, should not be required to meet the same standards.

Mr. WILLIAMS. I quite agree with the gentleman from Illinois. That is

the reason we have this stopgap legislation before you at this time, in order that the committee may have an opportunity to look at this.

Mr. MACK. I want to commend the gentleman for presenting this type of legislation.

Mr. SANTANGELO. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New York.

Mr. SANTANGELO. Will the gentleman tell me if this bill is passed does any one of the certificated supplemental carriers have an obligation to get an exemption from the CAB when it has a chartered flight for a private group?

Mr. WILLIAMS. I do not understand the gentleman's question.

Mr. SANTANGELO. Under the present law, these carriers must obtain exemption from the CAB before they take a chartered group to Europe or elsewhere?

Mr. WILLIAMS. This bill does not affect that except that it would keep these carriers in business for another year.

Mr. SANTANGELO. During this 1 year will any one of these 25 carriers have to go to CAB for permission for a charter flight?

Mr. WILLIAMS. I think they would have to go to CAB for special exemptions to make these foreign air transportation charter flights.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. COLLIER. Mr. Speaker, I yield myself such time as I may need.

The SPEAKER pro tempore. The gentleman from Illinois is recognized.

Mr. COLLIER. Mr. Speaker, while the bill before us today is stopgap legislation it deals with a question which I think is of great importance not only to the airline industry but to the Nation's air transport system. As the distinguished gentleman from Mississippi, the chairman of our subcommittee pointed out, it is actually legislation of a stopgap nature to validate temporary certificates of public convenience and necessity to a given group of so-called supplementary airlines.

The bill squarely raises the question as to whether or not the air route certification system, which Congress established in 1938, should be modified in several basic ways.

The Civil Aeronautics Board in its decision in the Large Irregular Case, Docket No. 5232, undertook to grant authority to some 25 nonsked airplane operators, and this is the group we are talking about today, to operate a supplemental airline industry in addition to the regularly scheduled carriers that have been serving the Nation for several decades. These supplemental carriers were awarded two kinds of operating authority: First, an unlimited volume of charter-type operations between any two cities in the United States; and, secondly, an individually ticketed, scheduled service limited to 10 flights per month between any two cities in the United States.

Under this latter authority, each of the nonskeds could legally operate a nearly unlimited amount of scheduled service, provided they did not exceed the 10 flights per month between any two cities.

As my subcommittee chairman told you, the U.S. court of appeals declared that the CAB had no legal authority to make this kind of award, and that is the reason for this legislation.

Actually my purpose in taking this time is to point out that there are two bills before Congress. The one that we have before us today would extend the authority illegally granted by the CAB for 1 year, and perhaps this stopgap legislation is necessary. Presumably the theory is that during this time, or the so-called status quo period, there would be time for a complete study to be made of the situation.

I might say that I had intended to introduce an amendment to this bill which would have confined the nonscheduled airlines to charter operations which I am convinced is their proper sphere. However, since it appears that this question will be explored thoroughly in hearings next fall, I have reluctantly refrained from presenting this amendment despite the conviction I have that this bill is perhaps too far-reaching.

The other bill, that is, the bill in the other body, would extend the authority illegally granted the nonsked operators for an indefinite period of time, and moreover, after the first year—and I think this is important—the bill in the other body would permit the CAB to expand the number of carriers from the current 25 to any number they saw fit in their discretion. In this connection, Mr. Speaker, these new carriers would be certificated, that is, the original 25 that we are dealing with at the present time, without any specific individual determination as to whether or not they were fit and able to provide air transportation.

Moreover, in the bill of the other body the CAB could increase this flight restriction from 10 per month to any number it may desire. This would create a long-range dangerous situation.

Thus, Mr. Speaker, the bill of the other body would permit the authorization of an unlimited number of carriers of unknown fitness and ability to operate an indefinite number of trips in any markets they choose without any duty to stay in that market, or to serve all of such markets which the scheduled industry is required to serve.

As between the bills it seems to me that we have but one choice to make. The House bill, as reported by our committee, does, in my opinion, give the nonscheduled airlines too much authority with too little responsibility. But at least it restricts the period of their operation to 1 year.

So, in conclusion, Mr. Speaker, I earnestly urge that two things be done: first, should the House bill be passed, that the conferees hold firm and resist any extension in either duration or scope of authority, and, second, the Interstate and Foreign Commerce Committee hold exhaustive hearings to determine the impact of placing such a wide and unchecked operating authority in the hands of nonscheduled carriers who are unknown quantities.

Mr. BROCK. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Nebraska.

Mr. BROCK. Mr. Speaker, I would like to associate myself with the gentleman from Illinois, a member of the Committee on Interstate and Foreign Commerce. We note in the report, as the gentleman from Illinois has stated, that we are granting authority to permit 25 supplemental air carriers to conduct limited operations for 12 months, despite a ruling of the U.S. Court of Appeals for the District of Columbia Circuit which held that the Board exceeded its authority in granting limited certificates to these carriers.

Mr. Speaker, we are not only asked to certificate by statute some 25 unknown airplane operators but we are asked to give them authority to serve any cities they choose in the entire United States but with no corresponding duty once they have started service to continue it.

It is not inconceivable at all that a combination of these nonskeds could descend on a rich market like New York to Miami and drain away large amounts of traffic from the regularly scheduled carriers serving that market. If one or more of the scheduled carriers were put out of business and the market declined, these nonskeds could pull out without any notice and leave the public without a service.

Moreover, the scheduled carriers plow a lot of their profits into loss or break even markets and operate flights at other than peak hours for public convenience. If we allow these nonskeds to drain off the profits, we will undermine service in these marginal markets and have no recourse to the nonskeds who obviously will not serve such markets.

This is a very serious problem. Our regular scheduled companies are deeply committed with their immense investment in jet equipment. The total industry investment will reach $4 billion.

We jeopardize this investment and with it technological progress if we allow the nonskeds to drain off the individually ticketed business in rich markets.

Therefore, Mr. Speaker, I heartily concur with my distinguished colleague. We must not acquiesce in the Senate bill. The House bill probably goes too far. But above all, we must carefully study this problem and make sure that our scheduled industry is not financially ruined by nonsked operations.

Mr. COLLIER. Mr. Speaker, I thank the gentleman for his remarks. I may say that in dealing with this problem the crux of it is that the Congress of the United States owes a reasonable degree of protection to those airlines which are required by their franchise or certificate to serve regularly in given areas at all times so that we do not create a situation whereby these supplementary airlines will move into competition in those markets which they can abandon at any time and leave the public without the service they are certainly entitled to.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Arkansas.

Mr. HARRIS. I thank the gentleman. I gather from the comments the gentleman made a moment ago he feels perhaps it might be advisable to pass this bill and go to conference in order to relieve the immediate situation until we can work something out. We should insist that the position of the House be maintained in the Congress and certainly not grant any more or any further authority than this bill now contains.

Mr. COLLIER. That is exactly right. I am perhaps a bit presumptuous of what is contained in the version of the same or similar legislation in the other body.

Mr. HARRIS. I am sure the gentleman may very well have an opportunity to further contribute to this proposition in conference.

Mr. COLLIER. I thank my chairman.

Mr. WILLIAMS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title was amended so as to read: "A bill to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes."

A motion to reconsider was laid on the table.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, it is with singular pleasure that I bring to the attention of the House an article by the noted columnist, Holmes Alexander, of McNaught Syndicate, in which he names the Committee on Science and Astronautics as "the House committee of the year."

I say it is a singular pleasure for me to do so because I am not only a member of that committee, but had the honor of serving as chairman of its predecessor, the Select Committee on Astronautics and Space Exploration.

The select committee was composed of an outstanding group of men who helped draft the legislation which established the free world's first civilian space agency, the National Aeronautics and Space Administration.

When the select committee was terminated in January 1959, the present standing committee was established by the House to carry on its work, broadened in its jurisdiction to cover science in general as well as space exploration.

I was instrumental in the establishment of the standing committee so it is a great source of pride to me that this honor has come to the Science and Astronautics Committee. But it came as no surprise to me that this committee was selected as the "House committee of the year."

Its chairman, OVERTON BROOKS of Louisiana, has distinguished himself by his indefatigable labors on behalf of the committee and on behalf of the Nation's space program. I venture to say that no Member of Congress has striven with more ardor, vigor, initiative, and diligence to promote the work of his committee and the task entrusted to it by the House than the distinguished gentleman from Louisiana.

His has not been an easy task. This is a new committee and the path which it must take is not yet fully charted by any means. As chairman, our colleague has vindicated the confidence placed in him by the Speaker and by the House. To my knowledge, he has never failed to attend a meeting of the committee and it is well known to the House that the Science and Astronautics Committee has compiled an enviable record in the number of hearings held on a variety of important subjects. I need only mention that the committee heard 651 witnesses during the 1½ years of its existence to indicate the broad scope of its work.

The committee has been fortunate in that it has been composed of dedicated men, truly interested in promoting the Nation's space program, and well aware of its importance to the security of the United States and the entire free world. Some of the members of this committee are veterans of many years of service in the Congress; others are serving their first terms. But all have one thing in common—their dedication to their work. They are to be truly congratulated for helping to develop the committee to the point where it is today one of the most important in the Congress.

Thus, as I stated earlier, it was not surprising to me that this committee, although less than 2 years old, was selected as "the House committee of the year."

I would like to quote briefly what Mr. Alexander said about this committee in making his selection. After reviewing the work of other committees, he concluded that, on the basis of its record:

> The House committee of the year has to be the one called Science and Astronautics. This group—

Stated Mr. Alexander—

> has been in session almost every day since New Year's. On scope alone, this committee was remarkable. It covered 10 subjects. One set of hearings on the huge assignment called adequacy of the national space program ran over 6 weeks.
>
> This astonishingly versatile committee dealt with moon-mapping by the Army, oceanic research by the Navy, mechanical translation of foreign languages, development of the hydrofoil, scientific scholarships, and the principle of Federal secrecy of documents.

I congratulate the members of the committee, particularly the chairman, the distinguished gentleman from Louisiana [Mr. BROOKS].

REGULATION OF ALASKA RAILROAD

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1508) to provide for economic regulation of the Alaska Railroad under the Interstate Commerce Act, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of the first section of the Act entitled "An Act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes", approved March 12, 1914 (38 Stat. 305), as amended (48 U.S.C. 301), is amended to read as follows:

"That the President of the United States is hereby empowered, authorized, and directed to adopt and use a name by which to designate the railroad or railroads and properties to be located, owned, acquired, or operated under the authority of this Act; to employ such officers, agents, or agencies, in his discretion, as may be necessary to enable him to carry out the purposes of this Act; to authorize and require such officers, agents, or agencies to perform any or all of the duties imposed upon him by the terms of this Act; to detail and require any officer or officers in the Engineer Corps in the Army or Navy to perform service under this Act; to fix the compensation of all officers, agents, or employees appointed or designated by him; to designate and cause to be located a route or routes for a line or lines of railroad in the State of Alaska not to exceed in the aggregate one thousand miles to be so located as to connect one or more of the open Pacific Ocean harbors on the southern coast of Alaska with the navigable waters in the interior of Alaska, and with a coal field or fields so as best to aid in the development of the agricultural and mineral or other resources of Alaska, and the settlement of the public lands therein, and so as to provide transportation of coal for the Army and Navy, transportation of troops, arms, munitions of war, the mails, and for other governmental and public uses, and for the transportation of passengers and property; to construct and build a railroad or railroads along such route or routes as he may so designate and locate, with the necessary branch lines, feeders, sidings, switches, and spurs; to purchase or otherwise acquire all real and personal property necessary to carry out the purposes of this Act; to exercise the power of eminent domain in acquiring property for such use, which use is hereby declared to be a public use by condemnation in the courts of Alaska in accordance with the laws now or hereafter in force there; to acquire rights of way, terminal grounds, and all other rights; to purchase or otherwise acquire all necessary equipment for the construction and operation of such railroad or railroads; to build or otherwise acquire docks, wharves, terminal facilities, and all structures needed for the equipment and operation of such railroad or railroads; to establish, change, or modify rates for the transportation of passengers and property; to receive compensation for the transportation of passengers and property, and to perform generally all the usual duties of a common carrier by railroad; to make and establish rules and regulations for the control and operation of said railroad or railroads: *Provided,* That effective one hundred and eighty days after the enactment of this proviso, and thereafter, the operation of the said railroad or railroads and the facilities and equipment thereof shall be subject to the provisions of part I of the Interstate Commerce

Act, as amended, and related Acts, including the Acts of March 2, 1893, March 2, 1903, and April 14, 1910, known as the Safety Appliance Acts (45 U.S.C., secs. 1–16); the Acts of May 6, 1910, known as the Accident Reports Act (45 U.S.C., secs. 38–43); the Acts of February 17, 1911, and March 4, 1915, known as the Boiler Inspection Acts (45 U.S.C., secs. 22–34); the Act of March 4, 1907, known as the Hours of Service Act (45 U.S.C., secs. 61–64); the Act of April 22, 1908, known as the Employers' Liability Act (45 U.S.C., secs. 51–60); and the Act known as the Explosives and Combustibles Act (18 U.S.C., secs. 831–835), and to the provisions of any applicable statutes regulating intrastate transportation enacted by the State of Alaska, in the same manner and to the same extent as if such railroad or railroads and facilities were privately owned and operated, except that so long as such railroad or railroads continue to be both wholly owned and operated by the United States of America or by one of its departments, corporations, or agencies: (1) the Interstate Commerce Commission in determining the lawfulness of rates or charges maintained, or from time to time proposed to be maintained, by such railroad or railroads, shall give due consideration, among other things, to the national public purposes which to a substantial extent prompted the construction, expansion, maintenance, and improvement thereof, with particular reference to the requirements of the national defense, as well as promotion and development of natural resources, and shall to the extent warranted by the facts recognized for valuation and cost-findings purposes a segregation of both capital investment and operating expenses which are found to be solely attributable to such national public purposes, distinguishing them from normal railroad common carrier investment and operational expenses; nor shall such rates and charges be deemed to be unlawful solely because they fail to yield sufficient revenues to cover any amounts for taxes not actually required by law to be paid or provide a return on capital investment; (2) approval of the Interstate Commerce Commission shall not be required for any extension of such railroad or railroads or for the issuance of securities; and (3) that, in carrying out its duties under section 20 of the Interstate Commerce Act as amended, the Commission shall consider the needs of the Comptroller General of the United States, the Secretary of the Treasury, the Director of the Bureau of the Budget, and the Secretary of the Interior pursuant to provisions of law with respect to the accounting, auditing, financial reporting, and budgetary requirements of such railroad or railroads. No free pass or free or reduced rate or fare transportation shall be given except as permitted by the provisions of part I of the Interstate Commerce Act. The President is empowered and authorized, in his discretion, to lease the said railroad or railroads, or any portion thereof, including telegraph and telephone lines, after completion under such terms as he may deem proper, but no lease of such railroad or railroads shall be for a longer period than twenty years and no other lease authorized in this Act shall be for a longer period than fifty-five years, or in the event of failure to lease, to operate the same until the further action of Congress. If the said railroad or railroads, including telegraph and telephone lines, are leased under the authority given under this Act, they shall be operated by the lessee under the jurisdiction and control of the provisions of the interstate commerce laws. The President also is empowered and authorized to purchase, condemn, or otherwise acquire upon such terms as he may deem proper, any other line or lines of railroad in Alaska which may be necessary to complete the construction of the line or lines of railroad designated or located by him, but the price to be paid in case of purchase shall in no case exceed the actual physical value of the railroad. The President also is empowered and authorized to make contracts or agreements with any railroad or steamship company or vessel owner for joint transportation of passengers or property over the road or roads herein provided for, and such railroad or steamship line or by such vessel, and to make such other contracts as may be necessary to carry out any of the purposes of this Act; to utilize, in carrying on the work herein provided for, any and all machinery, equipment, instruments, material, and other property of any sort whatsoever used or acquired in connection with the construction of the Panama Canal, so far and as rapidly as the same is no longer needed at Panama, and the successors to the Isthmian Canal Commission are authorized to deliver said property to such officers or persons as the President may designate, and to take credit therefor at such percentage of its original cost as the President may approve, but this amount shall not be charged against the fund provided for in this Act."

SEC. 2. The Act of April 10, 1926 (44 Stat. 239), relating to free transportation on the Alaska Railroad, is hereby repealed.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNGER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, S. 1508, the bill under consideration, amends the Alaska Railroad Act to provide that the federally owned Alaska Railroad, which is now owned by the Department of Interior, shall be subject to the provisions of part I of the Interstate Commerce Act, except those provisions applying to the extension of lines or issuance of securities. It would also make the railroad subject to the other acts relating to safety which presently apply to other railroads in the United States.

Mr. Speaker, the purpose of this legislation is to provide for effective and equitable regulation of transportation services within the new State of Alaska. This cannot be attained as long as the chief supplier of transportation, which is the Alaska Railroad, is free from regulatory control, either State or Federal, while all competing modes of transportation are subject to regulation. The Government owned and operated Alaska Railroad, the principal transportation facility in Alaska, was not subject to regulation by any regulatory agency prior to statehood, nor did it become subject to the Interstate Commerce Commission jurisdiction upon admission as a new State.

As it now stands, the Civil Aeronautics Board and the Federal Aviation Agency have jurisdiction over air carriers.

The Maritime Board has jurisdiction over water carriers between Alaska and the other States, and the Interstate Commerce Commission has jurisdiction over water carriers within Alaska except that on the high seas.

The Interstate Commerce Commission has jurisdiction over common carrier railroads, common and contract motor carriers, and freight forwarders.

The Alaska Railroad, operated by the Department of the Interior, is subject to no regulatory agency whatsoever.

That makes quite an imbalance in the transportation system of the new State of Alaska. The purpose of the legislation before the House now is to provide that the Interstate Commerce Commission shall have jurisdiction over the rates and safety operations of the Alaska Railroad. This is legislation which is made necessary by the admission of Alaska as a State.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Can the gentleman advise me whether there is any movement afoot for the Department of the Interior to get out of this particular business now that Alaska is a State?

Mr. WILLIAMS. I am sorry I cannot answer the gentleman's question, but the basic act provides that the President can dispose of it; the President does have authority to dispose of it.

Mr. BYRNES of Wisconsin. I should think that they ought, in view of the fact that Alaska is now a State, to start giving consideration to getting out of some of these proprietary functions of the Federal Government in the area.

Mr. WILLIAMS. On the basis of the limited knowledge that I have of the Alaska Railroad and how it came into being, I would say to the gentleman that probably we should get rid of it. But the fact remains that we do have it and the purpose of the bill is to regulate it.

It will be contended, I am sure, that this should remain under the Interior Department because it is a Government-operated business. But there are ample precedents for placing regulatory authority over these Government-operated businesses. The bringing of the Alaska Railroad under the Interstate Commerce Act does no more than follow the precedent that the Congress established in having the Commission regulate transportation by the Federal Barge Lines when they were owned by the Government and the Maritime Board when it regulated the operation of Government-owned vessels.

I might add, also, that the new State of Alaska has passed a resolution memorializing Congress to do this very thing.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to my chairman.

Mr. HARRIS. Is it not true that this proposed legislation is made necessary by the fact that Alaska became the 49th State?

Mr. WILLIAMS. Yes, sir.

Mr. HARRIS. And when statehood was granted to Alaska, there were certain adjustments and laws with reference to transportation and other things that had to be made?

Mr. WILLIAMS. That is right.

Mr. HARRIS. And is it not true that the officials of the State of Alaska, the Representative in Congress from the

State of Alaska, and the Senators from the State of Alaska are sponsoring these bills and urging their adoption in order to meet their problems?

Mr. WILLIAMS. That is quite true. The Alaska State Legislature, as I mentioned before, has memorialized the Congress to enact this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNGER. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Speaker, I have always been under the impression that bills which were placed upon the Calendar under suspension were bills that were not controversial. I am sorry that I have to disagree with the chairman of the committee and the gentleman who is handling this piece of legislation, that this is a controversial piece of legislation.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Arkansas.

Mr. HARRIS. I believe the gentleman said that bills coming up under suspension of the rules should be virtually noncontroversial?

Mr. SAYLOR. That is my understanding of the reason we have suspensions; that is correct.

Mr. HARRIS. May I say to the gentleman that this bill was considered by the committee, the subcommittee unanimously reported it, and the full Committee on Interstate and Foreign Commerce unanimously reported it.

Mr. SAYLOR. I should like to call to the attention of the Members of the House what this bill does. The bill has four provisions. The Alaska Railroad is a wholly owned Federal corporation. All of the money that has been appropriated for the construction and operation of the Alaska Railroad have been by Congress and the railroad is owned by the Federal Government. It is owned by the United States and under the jurisdiction of the President. This bill will place the Alaska Railroad under the regulatory jurisdiction of the Interstate Commerce Commission for all interstate shipments. This is a rather unusual situation, when Congress has authorized the construction of a railroad and then gives the President the responsibility for operating it, and is now attempting to say that he cannot operate it the way he desires and the Departments of Defense, Commerce, and Interior decide, but that it must be operated in accordance with a regulatory body of the United States. A governmental agency that is subservient to all of the executive agencies of Government.

The second thing this bill does, which is very unusual, is that it places the Alaska Railroad under the jurisdiction of the State of Alaska for all intrastate shipments. It was my understanding that the Federal Government, while it owned something, was not subject to State jurisdiction, but this bill places the Alaska Railroad and all intrastate shipments under the jurisdiction and subject to the Legislature of the State of Alaska.

The third thing this bill does is that it changes the railroad's accounting requirements to comply with the Interstate Commerce Commission's accounting standards as well as those set up by the Comptroller General, the U.S. Treasury, and the Bureau of the Budget.

These regulations to which you will subject the Alaska Railroad were placed in the law because Congress desired to control private business. This is a Federal business.

The fourth thing this bill does is that it places the railroad under several labor and safety statutes including the Employer's Liability Act of 1908, and at the same time it retains the coverage of the railroad by the Federal Workmen's Compensation Act.

On the matter of bringing the Alaska Railroad, a Federal agency, under the regulatory jurisdiction of the State of Alaska, the Department of the Interior in its report on this bill, and by the way, it is not a part of the committee report and was filed with the chairman on June 20, 1960, and which I will place in the RECORD, states:

> As to the provision in section 1 subjecting the intrastate operation of the railroad to regulation under statutes enacted by the State of Alaska, the Department of the Interior also wishes to object. One of the fundamental principles of our system of government is that the Federal Government's authority shall not be abridged by State law when it is acting pursuant to powers vested in it by the Constitution. This proposed legislation would depart from that principle, and would vest in the State of Alaska powers by which it would contravene the authority of the President and the Congress as well.

The Bureau of the Budget has strongly opposed the enactment of this legislation. I quote from the Bureau's report on this legislation:

> One of the fundamental principles of our Federal system is that the Federal Government's authority shall be supreme when it is acting pursuant to the powers vested in the United States by the Constitution. The bill departs from this fundamental principle by subjecting a Federal agency, the Alaska Railroad, to State regulation. The State of Alaska would be thus placed in a position where it could contravene the authority of both the President and the Congress, although the State would have no responsibility for the management, operation, and financing of the railroad.
>
> For the foregoing reasons the Bureau of the Budget is opposed to the proposed legislation, and you are hereby advised that enactment of S. 1508 would not be in accord with the program of the President.

Finally, the fact that this bill was drafted, I believe, in haste without careful consideration is demonstrated by several of its provisions.

For example, the bill as originally drawn was amended in the Senate to allow the Interstate Commerce Commission to approve Alaska Railroad rates even though they do not allow for a fair return on investment. I defy any Member of this House to read that amendment that was placed in this bill in the Senate and tell me with any exactness what it means.

As a second example, the bill provides that the Alaska Railroad shall be covered by the Employers' Liability Act of 1908 without any recognition of the fact that the railroad is already covered by the Federal employee accident compensation which is probably more liberal than any other accident compensation statute in existence anywhere.

On this point, the Department of the Interior's report to the House states:

> The employees of the Alaska Railroad, under the provisions of S. 1508, would still continue to be Federal employees, and would be covered by the Federal Employee's Compensation Act, which provides that the benefits of the act will furnish exclusive indemnity of the employer for injury or death of covered employees. However, the Employers' Liability Act contains no such provision but, rather, specifically states that the act shall not limit the duty or liability of common carriers or impair the rights of their employees under any other act or acts of Congress. It would be possible, under these circumstances, for an employee of the Alaska Railroad to retain his benefits under the employee's compensation while suing his employer, the Federal Government, for damages for the same injuries.

It is interesting to note that in the reports which are attached that the Interstate Commerce Commission reports favorably because they say this is in accordance with the draft of the act which they submitted to the Committee on Interstate and Foreign Commerce.

The Department of the Army is noncommittal.

It says it should be handled by the agencies of the executive department which have jurisdiction over this railroad.

The Bureau of the Budget is opposed to the enactment of this law. The Secretary of Labor indicates in his report that he is opposed to it. The General Accounting Office is opposed to it. The Department of Commerce is opposed to it. The Department of the Interior is opposed to the enactment of this legislation.

This matter was considered at the time the Alaskan statehood bill was enacted, and the Interior and Insular Affairs Committee were unanimous in their decision that the new State should have no jurisdiction over this railroad, nor should the Interstate Commerce Commission, because this was a wholly owned Federal facility.

There is no precedent that can be pointed to by anyone on the committee, that is, authority for doing what this bill will provide. It is interesting to note on page 4 of the committee report, it is stated that by bringing the Alaskan Railroad under the Interstate Commerce Act, it is no more than following the precedent which Congress established in having the Commission regulate transportation by the Federal Barge Line when it was owned by the Government. There was a tremendous difference. The Federal Barge Line was an interstate line and it did not operate wholly within one State. The examples that have been pointed to by the gentleman from Mississippi [Mr. WILLIAMS] with regard to air travel, were all considered at the time the Alaskan statehood bill was passed. It was the recommendation of all of the Departments of Federal Government that they be given jurisdiction in the new State of Alaska, and every one of the Departments opposed control of the Alaskan Railroad by the Inter-

state Commerce Commission and the new State of Alaska.

Mr. Speaker, I hope this bill will be defeated.

The report of the Department of Interior to the House Committee of Interstate and Foreign Commerce is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 20, 1960.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. HARRIS: This responds to your request for the views of this Department on S. 1508, a bill "to provide for economic regulation of the Alaska Railroad under the Interstate Commerce Act, and for other purposes."

We recommend that the bill not be enacted.

S. 1508 consists to a large degree of a restatement of the language of the codification of the first paragraph of section 1 of the act of March 12, 1914 (38 Stat. 305), as amended (48 U.S.C. 301), which is the act authorizing construction and operation of what is now the Alaska Railroad. Aside from minor editing changes, the principal changes proposed by the bill are (1) to subject the Alaska Railroad to part I of the Interstate Commerce Act, which deals with the regulatory authority of the Interstate Commerce Commission over privately owned railroads, and (2) to subject the Alaska Railroad to state regulation as to intrastate traffic.

The Alaska Railroad is a federally owned transportation artery, extending a distance of 470 miles (main line) from the port cities of Seward and Whittier through Anchorage, its headquarters, to Fairbanks. There are four short branches. The Railroad was constructed under authority of the 1914 legislation cited above, and was initially completed in 1923, and substantially rebuilt after 1947. For many years it has been operated under the direction of this Department.

The purpose of this operation is not to earn a return on the Government's investment, but rather to perform a public service in assisting in the development of Alaska. Therefore, the Railroad has generally not been run in strict accordance with all the financial considerations proper to a privately owned railroad, where such financial objectives conflicted with the developmental purposes for which the Railroad was built.

The railroad has energetically sought to pare down costs to the lowest practicable level, and also to develop new industry which would generate revenue-producing traffic. By these and other means it has been able to show a small net margin of revenues over costs (including depreciation) during each of the past 6 years. Simultaneously, the railroad has deliberately refrained from increasing the charges for its services to the point that would have been necessary to earn a substantial return on investment. On the contrary, freight and passenger rates have been systematically kept down to levels just sufficient to cover costs, and to pay for a moderate program of improvements. However, depreciation rates have been increased for fiscal year 1961 to an extent which will make it almost impossible to show a net revenue margin over costs for the fiscal year.

In short, the Alaska Railroad has been and is operated after the manner of a municipally owned electric plant, which aims to provide the best possible service at the lowest possible rates. Such municipally owned electric plants and other publicly owned utilities are not commonly subjected to rate control by outside regulatory commissions in this country, since by the terms of their mandates they are already engaged in serving the public interest, and there is no necessity for regulation to protect the public. S. 1508 fails to take cognizance of this sharp distinction, well recognized in American practice, between publicly owned facilities operated solely in the interest of the consumer or in this case the shipper and traveler, and privately owned facilities which are properly entitled to a fair return on the investment of their stockholders.

Under these circumstances it is not clear to us what purpose is intended to be served by subjecting the Alaska Railroad to rate regulation by the Interstate Commerce Commission. As pointed out above, such regulation is not needed to hold the rates down, since they are already as low as management can make them, while still covering necessary expenses. However, it may be that the aim of the bill is to push Alaska Railroad rates higher than at present, instead of lower.

Apparently in response to this Department's objection to the lack in the bill of standards or statements of objectives for regulatory functions which would be appropriate to a federally owned railroad, S. 1508 was amended by the Senate to include the following:

"*Provided*, That effective one hundred and eighty days after the enactment of this proviso, and thereafter, the operation of the said railroad or railroads and the facilities and equipment thereof shall be subject to the provisions of part I of the Interstate Commerce Act, as amended, and related Acts, including the Acts of March 2, 1893, March 2, 1903, and April 14, 1910, known as the Safety Appliance Acts (45 U.S.C. secs. 1–16); the Act of May 6, 1910, known as the Accident Reports Act (45 U.S.C., secs. 38–43); the Acts of February 17, 1911, and March 4, 1915, known as the Boiler Inspection Acts (45 U.S.C., sec. 22–34); the Act of March 4, 1907, known as the Hours of Service Act (45 U.S.C., sec. 61–64); the Act of April 22, 1908, known as the Employers' Liability Act (45 U.S.C., secs. 51–60); and the Act known as the Explosives and Combustibles Act (18 U.S.C., secs. 831–835), and to the provisions of any applicable statutes regulating intrastate transportation enacted by the State of Alaska, in the same manner and to the same extent as if such railroad or railroads and facilities were privately owned and operated, except that so long as such railroad or railroads continue to be both wholly owned and operated by the United States of America or by one of its departments, corporations, or agencies: (1) the Interstate Commerce Commission in determining the lawfulness of rates or charges maintained, or from time to time proposed to be maintained, by such railroad or railroads, shall give due consideration, among other things, to the national public purposes which to a substantial extent prompted the construction, expansion, maintenance, and improvement thereof, with particular reference to the requirements of the national defense, as well as promotion and development of natural resources, and shall to the extent warranted by the facts recognized for valuation and cost-finding purposes a segregation of both capital investment and operating expenses which are found to be solely attributable to such national public purposes, distinguishing them from normal railroad common carrier investment and operational expenses; nor shall such rates and charges be deemed to be unlawful solely because they fail to yield sufficient revenues to cover any amounts for taxes not actually required by law to be paid or provide a return on capital investment;"

This Department's report to the Committee on Interstate and Foreign Commerce of the Senate stressed the fact that the Alaska Railroad had never been required to earn interest on its capital investment, and that any legislative attempt to include a fair and reasonable return on investment as a requirement for determination of rates would inevitably lead to an increase in rates. While the language contained in this amendment is aimed at meeting the Department's criticism, it does so by authorizing segregation of capital investment and operating expenses as between those attributable to the national public purpose of the Railroad and those regarded as normal railroad common carrier investment and operational expenses. Having made this distinction, the subsequent language then makes it clear that the railroad need not earn a return on its capital investment irrespective of whether public purpose or primarily public-type investment, and that such rates or charges shall not be deemed unlawful solely because they fail to provide sufficient funds to cover amounts of taxes not actually required by law to be paid or "provide a return on capital investment;". While the purpose of the proposed language seems relatively clear, it represents a complete departure from normal Interstate Commerce Commission standards usually applied to determination of whether railroad tariffs are fair and reasonable. The ambiguity of this departure from normal ratemaking standards is evident in the language of the bill itself, and it further indicates that its authors do not really believe that the standards applicable to private industry should be applicable to the Alaskan Railroad.

We believe that the present system of fixing rates of the Alaska Railroad through the administrative control of this Department, at levels sufficient to cover necessary expenses but not to yield a substantial profit, has provided shippers with a reasonable rate structure and has conformed to the objective of assisting in the development of Alaska. We do not believe that shippers and the general public would be benefited by imposing on the railroad the additional expense necessarily involved in dealing with a regulatory authority, unless a need for regulation by an outside agency can be shown.

Finally, the bill as drafted might force an unintended change in the Railroad's accounting system, which has, through the expenditure of substantial money and effort, been established on the basis of Government standards of business-type accounting. The current accounting system of the Alaska Railroad was devised by the joint efforts of the railroad, the Department of the Interior and the Comptroller General of the United States and approved in 1957. It was set up to include the accounting, financial reporting and budgetary needs of the Treasury and the Bureau of the Budget, as required by law (31 U.S.C. 66(a)). On the other hand, the Interstate Commerce Commission is authorized by law to prescribe the system of accounts to be used by any class of carriers, and further, the law provides that any carrier who does not comply with any rules, regulations, or orders of the Commission is subject to penalty. Although the systems of accounting used by the Interstate Commerce Commission and that approved for the Alaska Railroad are not entirely different, a number of changes would probably have to be made to comply with Interstate Commerce Commission procedures. We do not believe such a change should be forced without a full understanding of the cost and waste which would be involved.

We recognize that there is a problem of through rates in the Alaska trade which makes through billing desirable to the maximum extent possible. Where more than one carrier is involved there is no reason why the present practice of depending upon the Alaska Railroad for the issuance of a through, information tariff cannot be continued. Other carriers can then file proportional tariffs covering their segments of the through rates, in the same manner as joint rates with Canadian railroads are now filed.

As to the provision in section 1 subjecting the intrastate operation of the Railroad to regulation under statutes enacted by the State of Alaska, the Department of the Interior also wishes to object. One of the fundamental principles of our system of government is that the Federal Government's authority shall not be abridged by State law when it is acting pursuant to powers vested in it by the Constitution. This proposed legislation would depart from that principle, and would vest in the State of Alaska powers by which it would contravene the authority of the President and the Congress as well.

A minor point, but still one highly objectionable to this Department, is contained in the bill's requirement that the railroad be subject to the Employers' Liability Act [the act of April 22, 1908 (45 U.S.C., secs. 51–60)]. This statute covers the liability of railroads, in interstate and foreign commerce, for injuries of employees through negligence, and provides for suits by the injured in U.S. District Court against such employer.

The employees of the Alaska Railroad, under the provisions of S. 1508, would still continue to be Federal employees, and would be covered by the Federal Employee's Compensation Act, which provides that the benefits of the act will furnish exclusive indemnity of the employer for injury or death of covered employees. However, the Employers' Liability Act contains no such provision but, rather, specifically states that the act shall not limit the duty or liability of common carriers or impair the rights of their employees under any other act or acts of Congress. It would be possible, under these circumstances, for an employee of the Alaska Railroad to retain his benefits under the Employee's Compensation Act while suing his employer, the Federal Government, for damages for the same injuries. Accordingly, it is urged that reference to the Employers' Liability Act be deleted from the bill thus providing the employees of the Alaska Railroad the same workmen's compensation rights as all other Federal employees.

With respect to draftsmanship, the bill requires correction at a number of points. For example, on line 11, page 5, there is a reference to the issuance of securities, although the railroad is not even authorized to issue any securities. The bill also contains much obsolete language relating, for example, to the construction of the Panama Canal (on p. 7) to the detail of officers in the Engineer Corps in the Army or Navy (p. 2, lines 6–8), and to the acquisition of any other line or lines of railroad in Alaska (none of which any longer exist in the railbelt). If much of the basic statute of the railroad is to be reenacted, we believe it would be desirable in the same act to delete outmoded language and to take cognizance of present-day problems.

The Department of the Interior has been advised by the Bureau of the Budget that in its report to you on this bill, dated February 29, 1960, the Bureau of the Budget stated that enactment of this legislation would not be in accord with the program of the President.

Since we are informed that there is a particular urgency for the submission of the views of the Department, this report has not been cleared through the Bureau of the Budget.

Sincerely yours,

ROGER ERNST,
Assistant Secretary of the Interior.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from South Carolina.

Mr. HEMPHILL. Is it the opinion of the gentleman that this legislation was passed out of our committee with the expectation that it would be vetoed if enacted by the Congress?

Mr. SAYLOR. I cannot say it would be vetoed. However I believe in view of the fact that all of the executive departments have given adverse opinions with regard to this bill, and if the President follows the pattern which he has usually followed, when all of his departments recommend against enactment of a bill, that he will veto this bill.

Mr. HEMPHILL. Despite the fact the bill was passed out of the committee unanimously?

Mr. SAYLOR. Yes; despite the fact that it was passed out of the committee unanimously. It is not only the committee action which determines vetoes, but also the recommendations of the executive departments.

Mr. WILLIAMS. Mr. Speaker, I yield 5 minutes to the gentleman from Alaska [Mr. RIVERS].

Mr. RIVERS of Alaska. Mr. Speaker, S. 1508, if enacted, would subject the federally owned Alaska Railroad to the ratemaking and regulatory provisions of the Interstate Commerce Act. Its purpose is to provide effective and equitable regulation of this very important segment of the transportation services within the State of Alaska, and thereby straighten out the chaotic transportation situation now existing in Alaska. The fixing and division of through rates with carriers connecting with the Alaska Railroad cannot be overseen in the public interest under the existing situation, and trucklines competing with the railroad between Seward and Valdez to Fairbanks feel that they would be unjustly handicapped unless the railroad is also put under the regulatory jurisdiction of the ICC. The government-owned Alaska Railroad, operating from Seward and Anchorage to Fairbanks, since its inception in 1923, has been operated by the Department of Interior under an act of Congress, and therefore not subject to any of the regulatory agencies.

I think it is summed up very well in the position of the Interstate Commerce Commission in the report on page 3 in which the ICC expresses the view that there can be no effective regulation of transportation within the State as long as one of the major transportation carriers is free from regulation, while the others are subject to regulation.

The Interstate Commerce Commission in drafting the legislation expressed the view, first, that there could be no effective or equitable regulation of transportation within the State as long as one of the major forms of transportation was free from regulation, while the others were subject to regulation; second, that the continuance of this situation was neither fair nor in the public interest as it would encourage discrimination and destructive practices, contrary to the national transportation policy, and third, that numerous allegations of such practices had been made but that it was uncertain as to what extent they might exist as no regulatory body had the authority to pass upon such complaints.

The testimony of many responsible Alaskans before this committee, as well as the reports of competent investigators, is to the effect that competent regulation of all modes of transportation not only would contribute substantially to the overall development of Alaska but also is urgently needed today.

A substantial portion of the traffic of the Alaska Railroad is interstate in character, that is, it is traffic which has originated in or is destined to another State. The bulk of traffic moving to and from Alaska traditionally has been by water. For a number of years the Alaska Railroad maintained with water carriers joint rates between interior points in Alaska and Pacific coast ports. Such rates are of vital importance to shippers. However, the filing and maintaining of such rates with a regulatory agency is a thing of the past. This is a result of the present unregulated status of the railroad and the regulated status of the other modes of transportation.

Were the Alaska Railroad subject to the ratemaking provisions of part I of the Interstate Commerce Act, no problem would arise as to the filing of joint rates. Section 1(1)(a) authorizes joint rates between rail carriers and all water carriers whether or not the latter are under the jurisdiction of the Interstate Commerce Commission, and section 305(b) not only authorizes but gives the Commission power to direct joint rates with water carriers subject to its jurisdiction. Under section 216(c), motor carriers also could enter into through routes and joint rates with the Alaska Railroad. In addition, section 1003 of the Federal Aviation Act would permit air carriers to enter into joint rates with the railroad.

Thus not only from the point of view of equitable regulation of the different modes of transportation operating in this new State, but also from that of the establishment of fair and reasonable through routes and joint rates between Alaska and the other States, the proposed economic regulation of the Alaska Railroad appears highly desirable. The bringing of the Alaska Railroad under the Interstate Commerce Act does no more than follow the precedent which the Congress established in having the Commission regulate transportation by the Federal Barge Line when it was owned by the Government, and the Maritime Board when it regulates Government-owned vessels.

When hearings on this legislation were held last session by the Subcommittee on Transportation and Aeronautics of the House Committee on Interstate Commerce, I expressed the reservation that if the Interstate Commerce Commission were given the authority to determine rates to be charged by the Alaska Railroad, the ICC might be required to apply the same rate policies to the Alaska Railroad as it applies to privately owned railroads. If such were so, the Commission would have no alternative but to require the railroad rates, if challenged, to be increased to provide a return on the capital investment of the Railroad, notwithstanding the fact that the purpose for which the Alaska Railroad was built was to develop Alaska and provide an important military transportation link for military use.

However, subsequent to the House hearings, the Senate amended S. 1508 to provide that the Commission shall give due consideration to the carrier's national defense and developmental purposes in passing on the lawfulness of rates or charges of the Alaska Railroad. The bill was also amended to provide that rates and charges of the Alaska Railroad shall not be deemed to be unlawful solely because they fail to yield sufficient revenues to provide a return on capital investment or to cover taxes not actually required by law to be paid. As a result of these amendments, my principal reservation regarding this measure has been removed. Therefore, I urge its passage since it constitutes an important step toward fair and uniform regulation of surface carriers operating in Interstate Commerce in Alaska.

This legislation has the support of the Governor of Alaska, the Honorable William A. Egan, the Alaska State Legislature, and numerous Alaskan citizens.

Mr. MOULDER. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of Alaska. I yield to the gentleman from Missouri.

Mr. MOULDER. I was a member of the subcommittee that held joint hearings with the Senate committee in Alaska on this subject. We held hearings in Anchorage, Fairbanks, and Seward. Is it not a fact, Mr. RIVERS, that most all of the railroad traffic in Alaska is interstate commerce?

Mr. RIVERS of Alaska. My estimate is that about two-thirds of it is.

Mr. MOULDER. If the Alaska Railroad were subject to the ratemaking provisions of the Interstate Commerce Commission then in filing of joint rates no problem would arise?

I mean by that there is at the present time a serious joint rate problem now involved between the air carriers, water carriers, and the Alaska Railroad, and this problem will continue if this bill is not enacted.

Mr. RIVERS of Alaska. That is correct.

Mr. MOULDER. That problem would be solved if this bill were passed, and the Alaska Railroad brought under the regulation of the Interstate Commerce Commission. Now with regard to the competitive struggle between the Alaska Railroad and the motor carriers for the traffic growth in Alaska, it has been the view of our committee, and many witnesses testified at our hearings, that there could be no effective or equitable regulation of surface transportation within the State of Alaska as long as one of the major competitive modes of transportation is subject to an effective measure of regulation while the chief Government-owned competitor, the Alaska Railroad, remained completely free from regulatory control.

Mr. Speaker, I want to commend and thank the able and distinguished gentleman from Alaska [Mr. RIVERS] for his outstanding service in Congress and his assistance to our committee in the preparation and presentation of this bill.

The SPEAKER pro tempore. The time of the gentleman from Alaska has expired.

Mr. WILLIAMS. Mr. Speaker, may I inquire if the gentleman from California has further requests for time?

Mr. YOUNGER. I have no further requests for time, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken, and on a division (demanded by Mr. SAYLOR) there were—ayes 67, noes 14.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken and there were—yeas 268, nays 101, not voting 62, as follows:

YEAS—268

Abbitt	Dorn, N.Y.	Jones, Mo.
Abernethy	Dorn, S.C.	Karsten
Addonizio	Dowdy	Karth
Albert	Doyle	Kasem
Alexander	Dulski	Kastenmeier
Andrews	Dwyer	Kee
Ashley	Edmondson	Keith
Ashmore	Elliott	Kilday
Aspinall	Everett	Kilgore
Avery	Evins	King, Calif.
Ayres	Fallon	Kirwan
Bailey	Farbstein	Kitchin
Baker	Fascell	Kluczynski
Baldwin	Feighan	Kowalski
Baring	Fisher	Lane
Barr	Flood	Lankford
Barrett	Flynn	Lesinski
Bass, Tenn.	Flynt	Levering
Becker	Fogarty	Libonati
Beckworth	Foley	Loser
Bennett, Fla.	Forand	McCormack
Bennett, Mich.	Forrester	McDowell
Blatnik	Fountain	McFall
Boggs	Friedel	McGinley
Boland	Fulton	McGovern
Bolling	Gallagher	McMillan
Bowles	Garmatz	Machrowicz
Boykin	Gary	Mack
Brademas	Gathings	Madden
Breeding	George	Mahon
Brewster	Giaimo	Marshall
Brock	Gilbert	Matthews
Brooks, La.	Glenn	Meyer
Brooks, Tex.	Granahan	Miller, Clem
Brown, Ga.	Grant	Miller, George P.
Brown, Mo.	Gray	Mills
Broyhill	Green, Oreg.	Mitchell
Burke, Ky.	Green, Pa.	Moeller
Burke, Mass.	Griffiths	Monagan
Burleson	Haley	Montoya
Byrne, Pa.	Halpern	Moorhead
Cahill	Hardy	Morgan
Canfield	Hargis	Morris, N. Mex.
Cannon	Harmon	Moulder
Carnahan	Harris	Multer
Casey	Harrison	Murphy
Chelf	Hays	Murray
Clark	Healey	Natcher
Coad	Hechler	Nix
Cohelan	Hemphill	Norrell
Collier	Herlong	O'Brien, Ill.
Conte	Hogan	O'Brien, N.Y.
Cook	Holifield	O'Hara, Ill.
Cooley	Holland	O'Hara, Mich.
Curtin	Holtzman	O'Konski
Daddario	Horan	O'Neill
Daniels	Huddleston	Osmers
Davis, Ga.	Hull	Passman
Davis, Tenn.	Ikard	Patman
Dawson	Inouye	Perkins
Delaney	Irwin	Pfost
Dent	Jarman	Philbin
Denton	Jennings	Pilcher
Derounian	Johnson, Calif.	Poage
Derwinski	Johnson, Colo.	Powell
Diggs	Johnson, Md.	Preston
Dingell	Johnson, Wis.	Price
Donohue	Jones, Ala.	Prokop
Pucinski	Santangelo	Toll
Quigley	Saund	Tollefson
Rabaut	Schenck	Trimble
Randall	Selden	Tuck
Reuss	Shelley	Udall
Rhodes, Ariz.	Shipley	Ullman
Rhodes, Pa.	Sikes	Van Zandt
Riley	Sisk	Vinson
Rivers, Alaska	Slack	Wallhauser
Rivers, S.C.	Smith, Iowa	Walter
Roberts	Smith, Miss.	Wampler
Rodino	Smith, Va.	Watts
Rogers, Colo.	Springer	Whitener
Rogers, Fla.	Staggers	Whitten
Rogers, Mass.	Stubblefield	Wier
Rogers, Tex.	Sullivan	Williams
Rooney	Teague, Tex.	Winstead
Roosevelt	Teller	Wolf
Rostenkowski	Thomas	Young
Roush	Thompson, N.J.	Younger
Rutherford	Thompson, Tex.	Zablocki
	Thornberry	

NAYS—101

Allen	Gavin	Milliken
Andersen, Minn.	Goodell	Minshall
Arends	Griffin	Moore
Barry	Gross	Nelsen
Bass, N.H.	Gubser	Norblad
Bates	Hagen	Ostertag
Baumhart	Henderson	Pelly
Belcher	Hiestand	Pillion
Berry	Hoeven	Pirnie
Betts	Hoffman, Ill.	Poff
Bolton	Hoffman, Mich.	Quie
Bosch	Holt	Ray
Bow	Hosmer	Rees
Broomfield	Jackson	Riehlman
Brown, Ohio	Jensen	Robison
Budge	Johansen	St. George
Byrnes, Wis.	Jonas	Saylor
Cederberg	Judd	Scherer
Chamberlain	Kilburn	Schneebeli
Chenoweth	Knox	Schwengel
Chiperfield	Kyl	Short
Church	Laird	Siler
Corbett	Langen	Simpson
Cramer	Latta	Smith, Kans.
Cunningham	Lindsay	Taber
Curtis, Mass.	Lipscomb	Teague, Calif.
Curtis, Mo.	McCulloch	Thomson, Wyo.
Dague	McDonough	Utt
Devine	McIntire	Vanik
Dixon	Mailliard	Van Pelt
Dooley	Martin	Weaver
Fenton	May	Weis
Ford	Meader	Westland
	Michel	Wharton

NOT VOTING—62

Adair	Frelinghuysen	Mumma
Alford	Halleck	Oliver
Alger	Hébert	Porter
Anderson, Mont.	Hess	Rains
Anfuso	Kearns	Reece, Tenn.
Auchincloss	Kelly	Scott
Barden	Keogh	Sheppard
Bentley	King, Utah	Smith, Calif.
Blitch	Lafore	Spence
Bonner	Landrum	Steed
Bray	Lennon	Stratton
Buckley	McSween	Taylor
Burdick	Macdonald	Thompson, La.
Celler	Magnuson	Wainwright
Coffin	Mason	Widnall
Colmer	Merrow	Willis
Downing	Metcalf	Wilson
Durham	Miller, N.Y.	Withrow
Fino	Morris, Okla.	Wright
Frazier	Morrison	Yates
	Moss	Zelenko

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Keogh for, with Mr. Taylor against.

Mr. Alford and Mr. Frazier for, with Mr. Wainwright against.

Mr. Anfuso and Mr. Buckley for, with Mr. Miller of New York against.

Mr. Celler and Mr. Morrison for, with Mr. Hess against.

Mr. Burdick and Mr. Sheppard for, with Mr. Bentley against.

Mrs. Kelly and Mr. Zelenko for, with Mr. Kearns against.

Mr. McSween and Mr. Thompson of Louisiana for, with Mr. Lafore against.

Mr. Yates and Mr. Anderson of Montana for, with Mr. Mason against.

Mr. Scott and Mr. Lennon for, with Mr. Mumma against.

Mr. Macdonald and Mr. Stratton for, with Mr. Smith of California against.

Mr. Rains and Mr. Willis for, with Mr. Reece of Tennessee against.

Mr. Fino and Mr. Watts for, with Mr. Merrow against.

Until further notice:

Mr. Colmer with Mr. Halleck.

Mr. Bonner with Mr. Auchincloss.

Mr. King of Utah with Mr. Withrow.

Mr. Magnuson with Mr. Bray.

Mr. Metcalf with Mr. Frelinghuysen.

Mr. Morris of Oklahoma with Mr. Adair.

Mr. Oliver with Mr. Alger.

Mr. Porter with Mr. Widnall.

Mr. Durham with Mr. Wilson of California.

Mrs. ROGERS of Massachusetts changed her vote from "nay" to "yea."

Mr. CONTE changed his vote from "nay" to "yea."

Mr. JUDD changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 12381

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight Saturday, June 25, to file a conference report on the bill H.R. 12381.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PROVIDING OF "GRANDFATHER" RIGHTS FOR CERTAIN MOTOR CARRIERS AND FREIGHT FORWARDERS OPERATING IN ALASKA AND HAWAII

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1509) with amendments.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 206(a) of the Interstate Commerce Act, as amended (49 U.S.C. 306(a)), is amended by adding at the end thereof the following new paragraphs:

"(4) Subject to the provisions of section 210, any common carrier by motor vehicle which, on the date this paragraph takes effect, is the holder of a certificate or certificates described in paragraph (2) of this subsection or issued under paragraph (3) of this subsection or section 207(a), authorizing transportation by motor vehicle between places in the United States of passengers or property in commerce between the United States and the Territory of Alaska, and on August 26, 1958, it or its predecessor in interest was engaged in the transportation of passengers or property as a common carrier by motor vehicle between places in the United States and places in Alaska, and such operations have been continued since that time (or if engaged in furnishing seasonal service only, was engaged in such operations in the year 1958 during the season ordinarily covered by its operations, and such operations have not been discontinued), except in either instance as to interruptions of service over which the carrier or its predecessor in interest had no control, shall be issued a certificate authorizing transportation to or from the points or areas in Alaska served by it, from or to all points in the other States of the United States designated in the abovementioned certificate or certificates held by the carrier, of passengers or the class or classes of commodities specified therein, to the extent that under the said certificate or certificates the carrier, prior to the date of admission of Alaska into the Union, was authorized to perform within the States all transportation required for through motor vehicle transportation by the carrier to or from places in the Territory of Alaska, without requiring further proof that public convenience and necessity will be served thereby and without further proceedings, if application for such certificate is made to the Commission as provided herein on or before December 31, 1960. Pending the determination of such application, the continuance of such operations without a certificate shall be lawful. Applications for certificates under this paragraph shall be made in writing to the Commission and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as shall be required by the Commission.

"(5) Subject to the provisions of section 210, if any person (or his predecessor in interest) was in operation on August 26, 1958, over any route or routes, or in any area or areas, as a common carrier engaged in the transportation in interstate or foreign commerce of passengers or property by motor vehicle between places in the Territory of Alaska, and has so operated in Alaska since that time (or if engaged in furnishing seasonal service only, was engaged in such operation in the year 1958 during the season ordinarily covered by its operations, and such operations have not been discontinued), except in either instance as to interruptions of service over which such person or his predecessor in interest had no control, a certificate shall be issued authorizing such operations without requiring further proof that public convenience and necessity will be served thereby, and without further proceeding, if application for such certificate is made as provided herein on or before December 31, 1960: *Provided, however,* That common carriers of passengers by motor vehicle shall as a condition precedent to the establishment of rights hereunder show compliance with the applicable acts of the Territory of Alaska, and the rules and regulations of the Alaska Bus Commission. Pending the determination of any such application the continuance of such operation without a certificate shall be lawful. Applications for certificates under this paragraph shall be made to the Commission in writing, and in such form, contain such information, and be accompanied by proof of service upon such interested parties as the Commission shall require."

SEC. 2. Section 209(a) of the Interstate Commerce Act, as amended (49 U.S.C. 309(a)), is amended by adding at the end thereof the following new paragraphs:

"(4) Subject to the provisions of section 210, any contract carrier by motor vehicle which, on the date this paragraph takes effect, is the holder of a permit or permits described in paragraph (2) of this subsection or issued under paragraph (3) of this subsection or under section 209 (b), authorizing transportation by motor vehicle between places in the United States of passengers or property in commerce between the United States and the Territory of Alaska, and on August 26, 1958, it or its predecessor in interest was engaged in the transportation of passengers or property as a contract carrier by motor vehicle between places in the United States and places in Alaska, and such operations have been continued since that time (or if engaged in the furnishing of seasonal service only, was engaged in such operations in the year 1958 during the season ordinarily covered by its operations, and such operations have not been discontinued), except in either instance as to interruptions of service over which the carrier or its predecessor in interest had no control, shall be issued a permit authorizing transportation to or from the points or areas in Alaska served by it, from or to all points in the other States of the United States designated in the abovementioned permit or permits held by the carrier, of passengers or the class or classes of commodities specified therein, to the extent that under the said permit or permits the carrier, prior to the date of admission of Alaska into the Union, was authorized to perform within the United States all transportation required for through motor vehicle transportation by the carrier to or from places in the Territory of Alaska, without further proceedings, if application for such permit is made to the Commission as provided herein on or before December 31, 1960. Pending the determination of such application, the continuance of such operation without a permit shall be unlawful. Applications for permits under this paragraph shall be made in writing to the Commission and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as shall be required by the Commission.

"(5) Subject to the provisions of section 210, if any person (or his predecessor in interest) was in operation on August 26, 1958, over any route or routes, or in any area or areas, as a contract carrier engaged in the transportation in interstate or foreign commerce of passengers or property by motor vehicle between places in the Territory of Alaska, and has so operated in Alaska since that time (or if engaged in furnishing seasonal service only, was engaged in such operations in the year 1958 during the season ordinarily covered by its operations, and such operations have not been discontinued), except in either instance as to interruptions of service over which such person or his predecessor in interest had no control, a permit shall be issued authorizing such operations without further proceedings, if application for such permit is made as provided herein on or before December 31, 1960. Pending the determination of any such application, the continuance of such operation without a permit shall be lawful. Applications for permits under this paragraph shall be made to the Commission in writing, and in such form, contain such information, and be accompanied by proof of service upon such interested parties as the Commission shall require."

SEC. 3. Paragraph (10) of section 203(a) of the Interstate Commerce Act, as amended (49 U.S.C. 303(a)(10)), is amended by changing the period at the end thereof to a colon and by adding the following: *"Provided,* That to the extent that such transportation in 'interstate commerce' between points in Alaska and points in other States is performed within a foreign country, the application of this part shall not include any requirement as to conduct in such foreign country which is in conflict with a requirement of such foreign country, but shall include as a condition to engaging in such operations within the jurisdiction of the United States, the observance, as to the entire service, of the requirements of this part with respect to rates, fares, charges, and practices pertaining to such transportation."

SEC. 4. Section 309(a) of the Interstate Commerce Act, as amended (49 U.S.C. 909(a)), is amended by changing the period at the end of the last sentence thereof to

a colon and by adding the following new proviso: "*Provided further*, That, subject to the provisions of section 310, if any person (or his predecessor in interest) was in operation on August 26, 1958, over any inland waterway, other than the high seas, as a common carrier by water, in interstate or foreign commerce, between points in the Territory of Alaska, and has so operated in Alaska since that time (or if engaged in furnishing seasonal service only, was engaged in such operations in the year 1958 during the season ordinarily covered by its operations, and such operations have not been discontinued), except in either instance as to interruptions of service over which such person or his predecessor in interest had no control, a certificate shall be issued authorizing such operations without requiring further proof that public convenience and necessity will be served thereby, and without further proceedings, if application for such certificate is made as provided herein on or before December 31, 1960. Pending the determination of any such application, the continuance of such operations without a certificate shall be lawful. Applications for certificates under this proviso shall be filed with the Commission in writing, and in such form, contain such information, and be accompanied by proof of service upon such interested parties as the Commission shall require."

SEC. 5. Section 309(f) of the Interstate Commerce Act, as amended (49 U.S.C. 909(f), is amended by changing the period at the end of the last sentence thereof to a colon and by adding the following new proviso: "*Provided further*, That, subject to the provisions of section 310, if any person (or his predecessor in interest) was in operation on August 26, 1958, over any inland waterway other than the high seas, as a contract carrier by water, in interstate or foreign commerce, between points in the Territory of Alaska, and has so operated in Alaska since that time (or if engaged in furnishing seasonal service only, was engaged in such operations in the year 1958 during the season ordinarily covered by its operations, and such operations have not been discontinued), except in either instance as to interruptions of service over which such person or his predecessor in interest had no control, a permit shall be issued authorizing such operations, without further proceedings, if application for such permit is made as provided herein before December 31, 1960. Pending the determination of such application, the continuance of such operations without a permit shall be lawful. Applications for permits under this proviso shall be filed with the Commission in writing, and in such form, contain such information, and be accompanied by proof of service upon such interested parties as the Commission shall require."

SEC. 6. Section 410(a) of the Interstate Commerce Act, as amended (49 U.S.C. 1010(a)), is amended by inserting the figure "(1)" immediately after subsection designation "(a)" and by adding the following new paragraphs:

"(2) Subject to the provisions of the last sentence of subsection (c) of this section, if any person (or his predecessor in interest) was engaged in service on August 26, 1958, between places in the Territory of Alaska and places in the United States, and between places in the Territory of Alaska, which service either would have been subject to this part or which, in conjunction with the services of other carriers, resulted in the transportation of property between such places whether or not all of such transportation would have been service subject to this part, and has so operated since that time (or if engaged in furnishing seasonal service only, was engaged in such operations in the year 1958 during the season ordinarily covered by its operations, and such operations have not been discontinued), except in either instance as to interruptions of service over which such person or his predecessor in interest had no control, a permit shall be issued authorizing such operations without further proceedings if application for such permit is made as provided herein on or before December 31, 1960. Pending the determination of any such application, the continuance of such operations without a permit shall be lawful. Applications for permits under this paragraph shall be filed with the Commission in writing, and in such form, contain such information, and be accompanied by proof of service upon such interested parties as the Commission shall require.

"(3) Subject to the provisions of the last sentence of subsection (c) of this section, if any person (or his predecessor in interest) was engaged in service on June 27, 1959, between places in the Territory of Hawaii and places in the United States, and between places in the Territory of Hawaii, which service either would have been subject to this part or which, in conjunction with the services of other carriers, resulted in the transportation of property between such places whether or not all of such transportation would have been service subject to this part, and has so operated since that time (or if engaged in furnishing seasonal service only, was engaged in such operations in the year 1959 during the season ordinarily covered by its operations, and such operations have not been discontinued), except in either instance as to interruptions of service over which such person or his predecessor in interest had no control, a permit shall be issued authorizing such operations without further proceedings if application for such permit is made as provided herein on or before December 31, 1960. Pending the determination of any such application, the continuance of such operations without a permit shall be lawful. Applications for permits under this paragraph shall be filed with the Commission in writing, and in such form, contain such information, and be accompanied by proof of service upon such interested parties as the Commission shall require."

SEC. 7. Section 418 of the Interstate Commerce Act, as amended (49 U.S.C. 1018), is amended by striking the word "or" in the last clause thereof, by changing the period at the end thereof to a semicolon, and by adding the following: "the Alaska Railroad; or common carriers by water operating between Alaskan ports, and between those ports and other ports in the United States or common carriers by water operating between Hawaiian ports, and between those ports and other ports in the United States."

SEC. 8. Section 303(e) of the Interstate Commerce Act is amended by adding a new subsection 3 to read as follows:

"(3) Notwithstanding any other provision of this Act, any common carrier by motor vehicle which was engaged also in operations between the United States and Alaska as a common carrier by water subject to regulation by the Federal Maritime Board under the Shipping Act of 1916, as amended, and the Intercoastal Shipping Act of 1933, as amended, prior to January 3, 1959, and has so operated since that time, shall as to such operations, remain subject to the jurisdiction of the Federal Maritime Board."

The SPEAKER. Is a second demanded? [After a pause.] The question is on the motion to suspend the rules and pass the bill S. 1509, as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The title was amended to read: "An act to amend the Interstate Commerce Act, as amended, to provide grandfather rights for certain motor carriers and freight forwarders operating in interstate or foreign commerce within Alaska and between Alaska and the other States of the United States, and for certain water carriers operating within Alaska, to provide grandfather rights for certain freight forwarders operating between Hawaii and the other States of the United States, and for other purposes."

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, the bill S. 1509, provides for the granting of grandfather rights to certain carriers who have come under the jurisdiction of the Interstate Commerce Commission by reason of Alaska and Hawaii becoming States. The types of operations affected are as follows:

First. Certain motor carriers and freight forwarders operating in interstate and foreign commerce within Alaska and between Alaska and the other States of the United States;

Second. Certain freight forwarders operating in interstate and foreign commerce within Hawaii and between Hawaii and the other States of the United States; and

Third. Certain water carriers operating within Alaska.

Under the Alaska and Hawaiian Statehood Act, all laws of the United States—with certain exceptions—became equally applicable in these States as in the other States. With statehood, therefore, certain forms of rail, motor, and water transportation, and freight forwarding, became subject to regulation under the Interstate Commerce Act, and subject to the jurisdiction of the Interstate Commerce Commission. The Commission, accordingly, following Alaska's admission to the Union, sponsored this legislation which would provide grandfather rights to persons who had been engaged in previously unregulated transportation service to enable them to continue the operation of such services under the provisions of the Interstate Commerce Act. This grant of grandfather rights without the need for a full-dress application for a certificate of public convenience and necessity is no more than was accorded transportation operators in the other 48 States at the time of passage of the statutes bringing these operators under regulation; for example, the Motor Carrier Act of 1935, the Water Carrier Act of 1940, and the Freight Forwarder Act of 1942.

Mr. RIVERS of Alaska. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. RIVERS of Alaska. Mr. Speaker, I rise in support of S. 1509, which would amend the Interstate Commerce Act to provide grandfather rights for certain motor carriers and freight forwarders

operating in interstate and foreign commerce within Alaska and between Alaska and the other States of the United States, and for certain water carriers operating within Alaska.

Water carriers operating between Alaska and other West Coast States were by terms of the Alaska Statehood Act, kept under the jurisdiction of the Federal Maritime Board. However, under the Alaska Statehood Act, certain motor and water transportation carriers in Alaska became subject to regulation by the ICC under the Interstate Commerce Act. Grandfather rights, which would be granted to persons formerly engaged in unregulated transportation, would enable them to continue in business without interruption, and this method is the usual way of handling such a transition and is well warranted. Certificates would be accorded to such carriers without the usual detailed application and proofs, and no hearing would be required before such certificates could be granted. However, as both the reports of the Committee on Interstate and Foreign Commerce and the Interstate Commerce Commission indicate, such a grant would be no more than was accorded transportation operators in the other 48 States at the time of passage of statutes bringing these operators under regulation.

Inasmuch as the carriers and freight forwarders in Alaska who would get the benefit of the grandfather rights established their businesses prior to statehood, and have already come under the jurisdiction of the ICC, passage of this bill of itself adds no additional cost to the administration of that act. As a matter of fact, there would be a reduction of administrative cost, since section 309 of the bill provides that with regard to those entitled to grandfather rights, certificates shall be granted subject to statutory tests, and without further proceedings. It is for these reasons that I strongly urge passage of S. 1509.

This legislation has the endorsement of the Governor of Alaska, the Honorable William A. Egan, the Alaska State Legislature, many of the surface carriers now operating in Alaska, and the public in general.

INTERNATIONAL HEALTH RESEARCH ACT OF 1960

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the resolution (H.J. Res. 649) relating to the authority of the President, the Secretary of Health, Education, and Welfare, and the Surgeon General of the Public Health Service to provide for international cooperation in health research and research training, and for other purposes, with amendments.

The Clerk read the resolution, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "International Health Research Act of 1960".

PURPOSE OF RESOLUTION

SEC. 2. It is the purpose of this joint resolution—

(1) to advance the status of the health sciences in the United States and thereby the health of the American people through cooperative endeavors with other countries in health research, and research training; and

(2) to advance the intenational status of the health sciences through cooperative enterprises in health research, research planning, and research training.

AUTHORITY OF SURGEON GENERAL

SEC. 3. Part A of title III of the Public Health Service Act (42 U.S.C., ch. 6A) is amended by adding immediately after section 307, the following new section:

"INTERNATIONAL COOPERATION

"SEC. 308. (a) To carry out the purposes of clause (1) of section 2 of the International Health Research Act of 1960, the Surgeon General may, in the exercise of his authority under this Act and other provisions of law to conduct and support health research and research training, make such use of health research and research training resources in participating foreign countries as he may deem necessary and desirable.

"(b) In carrying out his responsibilities under this section the Surgeon General may—

"(1) establish and maintain fellowships in the United States and in participating foreign countries;

"(2) make grants to public institutions or agencies and to nonprofit private institutions or agencies in the United States and in participating foreign countries for the purpose of establishing and maintaining fellowships;

"(3) make grants or loans of equipment, medical, biological, physical, or chemical substances or other materials, for use by public institutions or agencies, or nonprofit private institutions or agencies, or by individuals, in participating foreign countries;

"(4) participate and otherwise cooperate in any international health research or research training meetings, conferences, or other activities;

"(5) facilitate the interchange between the United States and participating foreign countries, and among participating foreign countries, of research scientists and experts who are engaged in experiments and programs of research or research training, and in carrying out such purpose may pay per diem compensation, subsistence, and travel for such scientists and experts when away from their places of residence at rates not to exceed those provided in section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service intermittently employed; and

"(6) procure, in accordance with the provisions of section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), the temporary or intermittent services of experts or consultants; individuals so employed shall receive compensation at a rate to be fixed by the Secretary, but not in excess of $50 per diem, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(c) The Surgeon General may not, in the exercise of his authority under this section, assist in the construction of buildings for research or research training in any foreign country.

"(d) For the purposes of this section—

"(1) The term 'health research' shall include, but not be limited to, research, investigations, and studies relating to causes and methods of prevention of accidents, including but not limited to highway and aviation accidents.

"(2) The term 'participating foreign countries' means those foreign countries which cooperate with the United States in carrying out the purposes of this section."

AUTHORITY OF SECRETARY

SEC. 4. (a) To carry out the purposes of clause (1) of section 2 of this Act, the Secretary of Health, Education, and Welfare (hereafter referred to as the "Secretary") *may* in the exercise of his responsibilities under the Vocational Rehabilitation Act (29 U.S.C., ch. 4) and the Act entitled "An Act to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau", approved April 9, 1912, as amended (42 U.S.C., ch. 6), and any other provision of law, to conduct and support health research and research training, including research and research training relating to the rehabilitation of the handicapped, make such use of health research and research training resources in participating foreign countries as he may deem necessary and desirable.

(b) To carry out his responsibilities under this section the Secretary may—

(1) establish and maintain fellowships in the United States and in participating foreign countries;

(2) make grants to public institutions or agencies and to nonprofit private institutions or agencies in the United States and in participating foreign countries for the purpose of establishing and maintaining fellowships;

(3) make grants or loans of equipment, medical, biological, physical, or chemical substances or other materials, for use by public institutions or agencies, or nonprofit private institutions or agencies, or by individuals, in participating foreign countries;

(4) participate and otherwise cooperate in any international health or medical research or research training meetings, conferences, or other activities;

(5) facilitate the interchange between the United States and participating foreign countries, and among participating foreign countries, of research scientists and experts who are engaged in experiments and programs of research or research training, and in carrying out such purpose may pay per diem compensation, subsistence, and travel for such scientists and experts when away from their places of residence at rates not to exceed those provided in section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service intermittently employed; and

(6) procure, in accordance with the provisions of section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), the temporary or intermittent services of experts or consultants; individuals so employed shall receive compensation at a rate to be fixed by the Secretary, but not in excess of $50 per diem, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(c) For the purposes of this section—

(1) The term "health research" shall include, but not be limited to, research, investigations, and studies relating to causes and methods of prevention of accidents, including but not limited to highway and aviation accidents.

(2) The term "participating foreign countries" means those foreign countries which cooperate with the United States in carrying out the purposes of this section.

AUTHORITY OF PRESIDENT

SEC. 5. (a) It is the sense of Congress that the President should use his authority un-

der the Constitution and laws of the United States to accomplish the purposes of section 2 of this joint resolution and in accomplishing such purposes (1) use to the fullest extent practicable foreign currencies or credits available for utilization by the United States, (2) enter into agreements to use foreign currencies and credits available to other nations for use with the agreement of the United States, and (3) use any other foreign currencies and credits which may be made available by participating foreign countries.

(b) To carry out the purposes of section 2 of this joint resolution the President, in cooperation with participating foreign countries, is authorized to encourage, support, and promote the planning and conduct of, and training for, research investigations, experiments, and studies in the United States and in participating foreign countries relating to the causes, diagnosis, treatment, control, and prevention of diseases and impairments of mankind (including nutritional and other health deficiencies) or to the rehabilitation of the handicapped.

(c) To carry out his responsibilities under this joint resolution the President may—

(1) establish and maintain fellowships in participating foreign countries;

(2) make financial grants to establish and maintain fellowships, and for other purposes, to public institutions and agencies and to nonprofit private institutions and agencies, and to individuals in participating foreign countries, or contract with such institutions, agencies, or individuals without regard to sections 3648 and 3709 of the Revised Statutes of the United States;

(3) make grants or loans of equipment, medical, biological, physical, or chemical substances or other materials, for use by such institutions, agencies, or individuals;

(4) furnish technical assistance and advice to such institutions or agencies and in carrying out such purposes may pay the compensation and expenses of scientists and experts from the United States and other participating foreign countries;

(5) facilitate the interchange among participating foreign countries of scientists and experts (including the payment of travel and subsistence for such scientists and experts when away from their places of residence);

(6) cooperate and assist in the planning and conduct of research, research planning, and research training programs and projects by groups engaged in, or concerned with, research or research training endeavors in the health sciences, and, through financial grants or other appropriate means, assist in special research, research planning, or research training projects conducted by or under the auspices of such groups where they can effectively carry out such activities contemplated by this joint resolution;

(7) encourage and support international communication in the sciences relating to health by means of calling or cooperating in the convening, and financing or contributing to the financing of the expenses of, international scientific meetings and conferences; and provide, or arrange for the provision of, translating and other services, and issue or finance publications, leading to a more effective dissemination of relevant scientific information with respect to research conducted in the United States or participating foreign countries.

(d) The activities authorized in this section shall not extend to the support of public health, medical care, or other programs of an operational nature as contrasted with research and research training nor shall any of the grants authorized by this section include grants for the improvement or extension of public health administration in other countries except for necessary research and research training in the science of public health and public health administration.

(e) The President is authorized, to the extent he deems it necessary to carry out the purposes of section 2 of this joint resolution, to employ experts and consultants or organizations thereof, as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), and create a committee or committees to be composed entirely of persons who are citizens of the United States to advise him in the administration of this joint resolution; individuals so employed and members of committees shall be entitled to receive compensation at a rate to be fixed by the President, but not to exceed $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2 for persons in the Government service employed intermittently.

(f) The President may delegate any authority vested in him by this section to the Secretary of Health, Education, and Welfare. The Secretary may from time to time issue such regulations as may be necessary to carry out any authority which is delegated to him under this section, and may delegate performance of any such authority to the Surgeon General of the Public Health Service, the Director of the Office of Vocational Rehabilitation, the Chief of the Children's Bureau, or other subordinates acting under his direction.

(g) In order to carry out the purposes of section 2 of this joint resolution, and subject to section 1415 of the Supplemental Appropriation Act, 1953, the President may use or enter into agreements with foreign nations or organizations of nations to use the foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, and the Mutual Security Act of 1954, or which are otherwise available for utilization by the United States. The President is authorized to agree to the utilization by foreign nations, for programs designed to carry out the purposes of section 2 of this joint resolution in cooperation with the United States, of amounts deposited in special accounts pursuant to section 142(b) of the Mutual Security Act of 1954, to the extent that the amounts in such accounts exceed the requirements of other programs covered by such section 142(b). Such utilization of amounts in special accounts shall be without regard to the second proviso in clause (iii) of such section 142(b).

(h) The President shall transmit to the Congress at the beginning of each regular session, a report summarizing activities under this section and making such recommendations as he may deem appropriate.

(i) For the purposes of this section—

(1) The term "health research" shall include, but not be limited to, research, investigations, and studies relating to causes and methods of prevention of accidents, including but not limited to highway and aviation accidents.

(2) The term "participating foreign countries" means those foreign countries which cooperate with the United States in carrying out the purposes of this section.

OTHER AUTHORITY

SEC. 6. Nothing in this joint resolution shall be construed to repeal or restrict authority vested in the President, the Secretary of State, the Secretary of Health, Education, and Welfare, the Surgeon General of the Public Health Service, or any other officer or agency of the United States by any other provision of law.

The SPEAKER. Is a second demanded?

Mr. BENNETT of Michigan. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second is considered as ordered.

There was no objection.

EXPLANATION OF HOUSE JOINT RESOLUTION 649 (INTERNATIONAL HEALTH)

Mr. HARRIS. Mr. Speaker, the purpose of the resolution as stated in section 2 of the bill is, one, to advance the status of the health sciences in the United States through cooperative endeavors with other countries in health; two, to advance the international status of the health sciences through cooperative enterprises in health research, research planning, and research training.

In order to accomplish these purposes, the legislation would vest certain powers in the President—section 5— and would vest other powers in the Secretary of Health, Education, and Welfare—section 4—and the Surgeon General—section 3.

The powers vested in the President, the Secretary, and the Surgeon General are designed to supplement each other.

SURGEON GENERAL'S POWERS

The provisions of the resolution relating to the responsibilities of the Surgeon General with respect to the establishment of fellowships and the making of research grants are primarily a restatement of present powers of the Surgeon General with regard to fellowships and grants with the explicit expression of the sense of the Congress that these powers be exercised without regard to national boundaries wherever such fellowships or grants can best accomplish the purposes of this act, the Public Health Service Act, and related provisions of law.

SECRETARY'S POWERS

Section 3 would grant powers with regard to fellowships and research grants to the Secretary of Health, Education, and Welfare in carrying out his responsibilities under the Vocational Rehabilitation Act, under the act which established the Children's Bureau and under other provisions of the law. The Secretary would be authorized to establish fellowships and make grants wherever research in the fields of rehabilitations and child welfare can best be carried out without regard to national boundaries.

The powers which would be granted to the Secretary of Health, Education, and Welfare with regard to making grants in the field of child welfare are new powers, since the Secretary does not have research grant authority in this field.

PRESIDENT'S POWERS

Section 5 of the bill would grant authority to the President to maintain fellowships, make grants, and otherwise facilitate cooperation with foreign countries in the field of health research, research planning, and research training. It expresses the sense of the Congress that the President should use for these purposes, to the fullest extent practicable, foreign currencies or credits which are generated by the Agricultural Trade Development and Assistance Act of 1954—involving the sale of surplus

agricultural commodities—by the Mutual Security Act of 1954, or by other foreign programs.

The powers granted to the President under this legislation essentially are not new powers but merely reemphasize powers already granted to the President under the Mutual Security Act and other laws. The bill would stress the use of these Presidential powers in the interest of international health research.

HEARINGS

The Subcommittee on Health and Safety conducted extensive hearings on July 21–23 and August 4–6, 1952, on Senate Joint Resolution 41 and a number of House bills substantially identical with the Senate passed bill—House Joint Resolution 370, by Representative FOGARTY; House Joint Resolution 211, by Representative MCGOVERN; House Joint Resolution 237, by Representative THOMPSON of New Jersey; House Joint Resolution 293, by Representative CHIPERFIELD; House Joint Resolution 443, by Representative HALPERN; and House Joint Resolution 361, by Representative ROBERTS. Substantially all of the witnesses who appeared favored the purposes of the legislation.

Supplemental hearings were held by the subcommittee on February 9, 1960, with particular reference to the question of availability of foreign currencies for use in connection with international health research.

As a result of the hearings and extensive consideration of the subject of international health research, a clean bill—House Joint Resolution 649—was introduced by Representative KENNETH ROBERTS, chairman of the Health and Safety Subcommittee.

PRINCIPAL DIFFERENCES BETWEEN HOUSE JOINT RESOLUTION 649 AND SENATE JOINT RESOLUTION 41

Senate Joint Resolution 41 provides for the establishment of a new Institute at the National Institutes of Health for the purpose of promoting international health research.

Senate Joint Resolution 41 would vest in the Surgeon General exclusively, the powers proposed to be granted by this legislation and would authorize an appropriation of $50 million annually.

House Joint Resolution 649, as amended in committee, does not provide for the establishment of a new Institute.

It would grant certain powers to the President for the purpose of advancing the international status of the health sciences as distinguished from the powers granted to the Surgeon General and the Secretary of Health, Education, and Welfare for the purpose of advancing the status of the health sciences in the United States.

It would not specifically authorize new appropriations to carry out the purposes of this legislation but, with respect to the Presidential authority, would aim at utilizing foreign currencies and credits for these purposes.

EXPLANATION OF SECTION 5(g) RELATING TO USE OF FOREIGN CURRENCIES

In order to carry out the purposes of the bill as set forth in section 2, subsection (g) of section 5 of the bill provides: First, for the use by the President directly, or through agreements with foreign nations or organizations of nations, of foreign currencies accruing to the United States, or otherwise available for utilization by the United States; and, second, for the utilization by foreign nations, with the agreement of the President, of foreign currencies subject to the joint control of the United States and such nations.

A number of permitted uses of foreign currencies are listed in subsection (a) through (p) of section 104 of Public Law 480. Section 5(g) of the bill would add to these potential uses, the use of these currencies by the President directly or through agreements with foreign nations to carry out the purposes of this bill.

The President is authorized to agree to the utilization of amounts deposited in special accounts pursuant to section 142(b) of the Mutual Security Act of 1954 to the extent that there are amounts in excess of the other programs covered by section 142(b) of that act.

Section 142(b) of the Mutual Security Act of 1954 requires that when defense support funds are used to finance grants of commodities, the recipient country must deposit in a special account the local currency proceeds which it derives from the commodities. Of these proceeds a small amount is normally turned over to the United States for paying certain U.S. expenses and the balance is owned by the other country and is available only for uses agreed to by the United States. The United States may agree to use of such funds to carry out any purpose for which new funds authorized under the Mutual Security Act of 1954 would themselves be available. Thus to the extent that these funds are not now used for the purposes for which they may be used, they would be available to carry out the purposes of this bill.

Clause (iii) of section 142(b) of the Mutual Security Act of 1954 restricts the utilization of excess amounts in all special accounts to not to exceed the equivalent of $4 million. This restriction is waived in the case of the utilization of such amounts in special accounts for carrying out the purposes of this bill.

Section 1415 of the Supplemental Appropriation Act, 1953, provides that foreign credits owed to or owed by the U.S. Treasury will not be available for expenditure by agencies of the United States except as may be provided for annually in appropriation acts.

The use or utilization of funds under subsection (g) of section 5 of the bill is made subject to this provision of law requiring specific appropriation.

Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. ROBERTS], the author of the bill, who conducted the hearing, and whose committee presented this matter to us for consideration.

The SPEAKER. The gentleman from Alabama is recognized for 10 minutes.

Mr. ROBERTS. Mr. Speaker, the bill we are considering today is one that comes to the House as a proposal from the other body which was supported over there by 64 Members of the Senate. It is a proposal that the senior Senator from the State of Alabama, LISTER HILL, has been interested in for some time.

The bill in the Senate sought to provide for the construction of a new Institute for International Health Research. It would have authorized the appropriation of $50 million a year in hard dollars for the purpose of cooperation with the other nations of the world in finding some new answers to cancer which kills 200,000 people every year; in other words, a city almost the size of Little Rock, Ark., disappears every year because of that disease; to find some new answers in the field of heart disease which takes roughly about 800,000 people a year, and to seek to find some of these answers in other countries of the world.

We know that knowledge of how to split the atom which resulted in the development of the atomic bomb came through the work of some brilliant German scientists, Meitner, Streseman, and Beathe, the great Italian scientist Fermi, and Niels Bohr, who was a Norwegian. We know that many of the advances we have made in the field of medicine have come to us from people of other nations; for instance, penicillin from England, although we found the way to develop it in large quantities. The X-ray came to us from the Germans. The great advances made in the field of mental health and the cure of mental disease came to us as the result of the work of an Indian doctor, who studied the use of rauwolfia which led to the discovery of equinil, miltown, and many tranquilizers that are rapidly emptying the mental institutions of our country.

When the committee started considering this we called before us many eminent scientists and doctors, Dr. Howard Rusk, Dr. Sidney Farber of Boston, Dr. Ravdin, chairman of the board of the college of surgeons, who operated on the President.

We also heard Gen. Omar Bradley on this question, and many eminent men from every part of the Nation, who said that through the program set out in this bill we could accomplish a great deal of good.

You will remember that in 1957 when we were threatened with an epidemic of the Asian flu we did not have a vaccine with which to combat it, yet before the time it was to strike our shores, because of the advanced medical knowledge of our doctors we were able to develop an effective vaccine and probably prevented many thousand deaths in this country. Certainly many of you will remember the tremendous onslaught of the Spanish flu.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentlewoman from Ohio.

Mrs. BOLTON. The gentleman spoke of an institute. As I read the bill, I do not see anything about an institute. It asks for general cooperation.

Mr. ROBERTS. The institute feature was eliminated by the House committee. We see this bill as an effort at better cooperation. We think we already have enough institutes.

Mrs. BOLTON. That was my thought.

Mr. ROBERTS. We believe that the Secretary of HEW, Surgeon General, and the NIH can farm out some of these problems to existing institutes.

Mrs. BOLTON. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman give us any idea of how many millions of dollars we are already spending on this sort of thing all over the world?

Mr. ROBERTS. Well, I can tell the gentleman we are spending some money. I think the grants that have been advanced by NIH amount to about 2 percent of their appropriation. I would say we are spending perhaps around $6 or $7 million in hard money. But this bill does not call for hard money; it simply uses the money that we already have in foreign currencies in these various countries that will be affected. There is no new money in this bill. We are simply trying to swap some surplus food for health and to try to find some answers in the field of cancer, arthritis, muscular dystrophy, and other things.

Mr. GROSS. In the gentleman's opinion, what will happen when we run out of the counterpart funds, as we will some day? How do you propose to dump this program once it is started?

Mr. ROBERTS. When we see the end of surplus commodities, I can answer the question. I do not see that end right now.

To continue with my explanation, this bill simply attempts to utilize the foreign currencies that we have accumulated under Public Law 480. Many of the governments of the world have those funds. In some we would not have to execute agreements to make these funds available for health research purposes; in some others we will have to execute agreements in order to spend some money in these countries. I cannot believe that this will call for any big expenditure.

If you will review the history of the foreign aid programs, you will find the technical assistance programs have brought us the most benefits, they have accomplished the greatest amount of good, yet they have been the least expensive. In the field of technical assistance we have medical assistance, teaching people methods of cleaning and securing pure supplies of water, and things of that kind.

This bill came out of the subcommittee unanimously. There were one or two votes against it in the full committee. I believe it is a bill that you can vote for, and strike the hardest blow against cancer, mental disease, tuberculosis, and many of these other diseases that plague mankind.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Speaker, I wish to compliment the gentleman and the members of his subcommittee who have done such a magnificent and fine piece of work with a very difficult, complicated, and controversial problem. The gentleman, of course, is aware of the fact that the other body passed a bill and sent it over to us that would have authorized the appropriation of $50 million in the field of international health. Recognizing the need and the importance of a cooperative program in international health research, the gentleman and his committee held hearings and overcame most of the opposition and rewrote the bill completely.

The committee has reported it to the House without any additional authorization for funds to be expended out of the Treasury of the United States but merely in cooperation with the international program that we have. It permits the use of soft currencies that have already been built up in the participating countries to be used in international health and research. I think the gentleman and the members of his committee are deserving of the highest compliments for the fine work they have done.

Mr. ROBERTS. I thank the gentleman.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I would like to know just exactly what this bill does. Last year we spent $3.5 million of U.S. currencies on an international health program. The Senate bill which was passed the other day contained $7 million. We are presently appropriating counterpart funds under the normal appropriation procedure to be used in the field of international health. We have some 50 research grants in international health that are handled by soft currencies at the present time. In the appropriation bill passed just a few months ago we authorized further use of soft currencies. What does this bill do that we presently are not doing?

Mr. ROBERTS. I will say to the gentleman that certainly he knows and the Members of the House know that we have been spending in these fields considerable money, but it was the feeling of our committee that this bill will bring these programs into focus. The President under this bill must submit an annual report of the activities in these fields, and he will be assisted by an advisory committee of prominent citizens of the United States, and we believe we can eliminate the use of hard dollars. And, instead of buying refrigerators for the Eskimos and dress suits for Grecian undertakers, we can spend some of these soft currencies in the field of health and we can get some new answers.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from South Carolina.

Mr. HEMPHILL. I notice on page 4, line 14, the Surgeon General is given certain authority, and in defining health research your subcommittee has written:

> The term "health research" shall include, but not be limited to, research, investigations, and studies relating to causes and methods of prevention of accidents—

And so on. Does that language mean that if the Surgeon General thinks it is proper and his superior thinks it is proper, some of this may be used in fields such as physical therapy and pediatrics and chiropractics and things of that kind?

Mr. ROBERTS. I do not think the Surgeon General would be precluded from investigations in those fields. We have had one example of the use of bamboo instead of expensive metals in building prosthetic appliances which are very much more economical. There is a great supply of it. And, we think if this will rehabilitate maimed people, then this would be the way to do it. And, we say under the bill that the Surgeon General has that authority.

Mr. FOGARTY. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the distinguished gentleman from Rhode Island who introduced similar legislation and who is recognized in this House, of course, as a champion of the cause of health research.

Mr. FOGARTY. Mr. Speaker, I want to congratulate the gentleman and his committee for reporting out this bill. As everyone knows, this idea was born with the President's state of the Union message in January 1958, delivered in this Chamber. He recommended an international attack on such leading killers of human beings as cancer, heart disease, and mental illness. I thought it was received at that time through the press and amongst the medical people of our country as a forward step. It was thought we could make more friends by distributing some of our information while at the same time getting information from other countries; because most men of medicine now say that the chances of our discovering cancer or heart disease are remote unless we have the help and cooperation of people in foreign countries who have some of the know-how.

Mr. ROBERTS. I thank the gentleman.

Mr. BENNETT of Michigan. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I do not think anyone in this House is opposed to spending all necessary funds for research, both on the domestic level and in the international programs. But there is no evidence before our committee or before this House that there is any need for this type of legislation. When the gentleman from Alabama [Mr. ROBERTS] talks about a cure for cancer, or the number of people who die each year from cancer, everybody recognizes the seriousness of that problem, and everybody knows the millions of dollars that are being spent by this Government and the millions of dollars that are being spent by private corporations and private foundations to find the answer to this and other serious diseases which are plaguing our people. But just more money is not the answer. There is no proof that the money that is being appropriated now for this purpose is inadequate.

Mr. Speaker, I should like to point out that this bill does not add one single iota of additional authority that does not exist under present law. Under the Mutual Assistance Act the President of the United States has authority to spend

U.S. dollars for research projects in foreign countries to the extent that he sees fit if they promote the mutual security program. Under existing law the President of the United States has full and complete control of counterpart funds which have been assigned to the United States and which the gentleman from Alabama discussed as they relate to the provisions of this bill. The Surgeon General of the United States under the Public Health Service Act has all of the authority and all of the money he needs to spend on international research. Last year, for example, for the kind of projects that are referred to in this bill the Surgeon General spent $3.5 million on research in foreign countries. I cannot, for the life of me, see the need or the necessity for this kind of legislation unless it is only to set up another organization to do the things that international organizations and our domestic departments already have the authority to do and for which money in ample amounts has been appropriated and will continue to be appropriated.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield?

Mr. BENNETT of Michigan. I yield to the gentleman.

Mr. HEMPHILL. I think it should be pointed out here, and I think our friend will confirm this, that the legislation came to us from the Senate carrying an authorization of $50 million. Our committee felt strongly that the money should come from counterpart funds, so we rewrote the legislation and removed the appropriation from the Federal Treasury, substituting appropriations out of counterpart funds; is that not correct?

Mr. BENNETT of Michigan. The bill that was passed in the other body provided an authorization of some $50 million as an annual amount that may be expended for this purpose. The gentleman from Alabama [Mr. ROBERTS] and his committee cut that figure to $10 million. When they brought the bill before the full committee and opposition to the program developed, a motion was made to take the $10 million out of the bill, so that when the bill was reported there was no specific authorization for the expenditure of any hard dollars. But let me point out that if this bill is passed and goes to conference the question of the amount of money that may be put in the bill will depend on what the conferees decide to put into it—the difference between $50 million that is in the Senate bill and zero here.

Mr. HEMPHILL. That was my point in this colloquy I am having with the gentleman from Michigan. I just want to go on record as a committee member as saying there would be no appropriation from the Treasury of the United States but the money would come from counterpart funds or we would not have this provision.

Mr. BENNETT of Michigan. Even if the House passes this bill and the Senate accepts it with no specific authorization in it, the House and Senate Appropriations Committees can nevertheless appropriate money under the authority provided for under this legislation.

Mr. MEADER. Mr. Speaker, will the gentleman yield?

Mr. BENNETT of Michigan. I yield to the gentleman from Michigan.

Mr. MEADER. May I draw the attention of the gentleman to the top of page 12, line 3, which reads:

> In order to carry out the purposes of section 2 of this joint resolution, and subject to section 1415 of the Supplemental Appropriation Act, 1953, the President may use or enter into agreements with foreign nations or organizations of nations to use the foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954.

Does that mean that funds to finance this program can be found without resort to the Appropriations Committee and the approval of that committee and the Congress in our regular appropriating procedures? Does this authorization bypass the Appropriations Committee?

Mr. BENNETT of Michigan. No; I do not think it does. It does not give any additional authority to spend money, either our United States funds or counterpart funds, without the scouting of the Appropriations Committee.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. BENNETT of Michigan. I yield to the gentleman from Wisconsin.

Mr. LAIRD. This House bill would authorize fellowships, grants, and the interchange of scientists for the purpose of supporting health research and training on an international basis. Every authority granted is already in existing law. The Senate bill did provide for an Institute of International Health. This bill completely nullifies the purpose of the Senate bill and should be defeated for that reason.

Under existing authority, the U.S. Public Health Service has, first, an international fellowship program supporting fellowships for students from over 30 nations; second, research grants to institutions in 15 foreign countries; and third, training programs in which health workers from 33 foreign countries participated last year.

In addition both the House and Senate have included in the 1961 Labor-HEW bill funds for two new international programs for health research, using foreign currencies generated under Public Law 480—$3,707,000 to the Public Health Service, $930,000 to the Office of Vocational Rehabilitation, and the Senate in the 1961 HEW added an additional $7 million.

I can understand what the bill did as it came from the Senate but I cannot understand what this bill does as it comes from the gentleman's committee. At the present time grants are being made to individual doctors, individuals all over the world. We have grants in Israel, we have grants in France, we have grants in many countries all over the world, direct research grants where they are working on various problems.

In addition to that we are contributing $500,000 for WHO's international medical research program and have offered to contribute a greater amount. We are urging a higher appropriation by WHO for this purpose. In addition to that, last year we authorized through the Appropriations Committee the spending of $170 million in the area of international health. Of that $170 million in the 1960 budget bills for international health, $55 million was expended in counterpart funds.

What I cannot understand, and I have not been able to get an answer to this question, is, How does this bill as amended by the House committee do anything that is not presently authorized in law? If this question is not answered I will oppose the House amendment to the Senate-passed bill.

Mr. BENNETT of Michigan. The answer is that it does not. The bill does not provide for one single bit of authority either delegated to the President or any other agency that does not presently exist in the law. If such is not the case, then I call on the gentleman from Alabama [Mr. ROBERTS] to point out in what respects, if any, this bill adds anything to existing law.

Mr. ROBERTS. At the present time I grant that programs are in existence and we are spending dollars on programs and they are executed in different parts of the world. This bill will bring these programs into focus. The President would report on activities under this bill and you will get something for your local currencies in these various countries.

Mr. BENNETT of Michigan. In answer to the question of the gentleman from Alabama, the President already has the authority to do what he pleases with these counterpart funds.

Mr. ROBERTS. Then I will say to the gentleman, if the President has that authority, why does he not use that authority instead of coming here and saying in his state of the Union message that he wants additional legislation.

Mr. BENNETT of Michigan. This bill cannot make him use his authority nor give him any additional authority.

Mr. LAIRD. I would like to state that we presently are using counterpart funds for medical research grants made in Israel at the present time. You will find counterpart funds are used. We are purchasing the counterpart funds from the Department of Agriculture and we carry an appropriation in the appropriation bill for the Department of Health, Education, and Welfare in which the purchase is made. The Commodity Credit Corporation is reimbursed for the counterpart funds that we are using on individual projects in Israel. Now in some countries, we do not have any counterpart funds and we are using some hard dollars, but this bill does not change that one iota.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. BENNETT of Michigan. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I would like to ask a few questions which intrigue me. I do not know whether I should direct them to the gentleman from Michigan or the gentleman from Alabama.

As I read this, this is supposed to be for an international health research act. But, the statement was made we were to use counterpart funds which we have accumulated in various countries. What do we do for money in countries where

we have not accumulated counterpart funds? Do we start using hard dollars there?

Mr. ROBERTS. We may not have a program there, but we have about 26 countries where we do have counterpart funds or credits.

Mr. DERWINSKI. Do we understand then that international health problems are only located in those countries that have existing counterpart funds? Is that the implication?

Mr. ROBERTS. That would be correct. That would be the intent of the bill to the extent feasible.

Mr. DERWINSKI. Does this bill also imply that we have abandoned any hope of ever putting these counterpart funds to use in countries and that we are just looking for a means of spending the money; is that the implication of the bill?

Mr. BENNETT of Michigan. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Speaker, it has been a great privilege for me to serve as ranking Republican member of the subcommittee on health and safety with my colleague, the gentleman from Alabama [Mr. ROBERTS]. I want to pay tribute to him for the splendid job he has done. Our subcommittee on health and safety conducted extensive hearings on this entire matter. Our subcommittee was completely convinced as to the value, purpose, and reason for this bill.

Mr. Speaker, there is an international language of good health and scientific development in these opportunities for research and work in human health. Certainly, there are opportunities throughout the world by scientists in all countries in developing new methods and new discoveries in health measures. So it seems to us this is a splendid way to take advantage of some of these funds which are accruing to our Nation as the result of the operation of Public Law 480 and other public laws. So, Mr. Speaker, I urge the adoption of this bill.

Mr. Speaker, in my years in the House of Representatives there have been few resolutions presented on which we have had such substantial agreement among the witnesses who testified as on House Joint Resolution 649. I call to your attention that during its hearings on this legislation the Subcommittee on Health and Safety of the Committee on Interstate and Foreign Commerce had testimony from 64 individuals and organizations. Among the individuals were many of the top scientific leaders of our country. Such men as Dr. Michael E. De Bakey, Baylor University; Dr. Sidney Farber, Children's Hospital, Massachusetts; Dr. Thomas Francis, University of Michigan; Dr. I. S. Ravdin, University of Pennsylvania; and Dr. Frederick J. Stare, Harvard School of Public Health.

All of our national voluntary health agencies and professional organizations have endorsed the proposals behind this legislation. It makes sense to them and it makes sense to me that since scientific research in health, medicine, and rehabilitation can be conducted in other nations at very little, if any, cost to the United States through the use of foreign currencies that we should take advantage of this unusual opportunity. The United States owns vast amounts of the national currencies of a number of other nations as the result of the sale of surplus agricultural commodities under Public Law 480. I am sure all of us hope these sales will continue and that additional money in the national currencies of other countries will become available. It makes common sense to me that if we have rupees in India, pounds in Israel, and dinars in Yugoslavia which will not be used that these funds should be invested in research in health, medicine, and rehabilitation not only for the benefits which will accrue to those countries in which the research is being conducted but more important that such research will make a substantial contribution to improved health in the United States.

Mr. BENNETT of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, it has been a long time since I have seen a bill providing more consultants and advisers, all of which add to the costly bureaucracy. Now do not tell me that you will pay the President's Advisory Committee members with foreign counterpart funds. And do not tell me you will pay the consultants who can be hired without limitation out of counterpart funds.

Mr. Speaker, this is one of the biggest boondoggles that has been before the House in a long time. There will certainly come a day when there will be no counterpart funds. What are you going to use then but American dollars because the demand will increase to build hospitals, and do all of these things in foreign countries.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. No; I cannot yield as I only have 2 minutes. I am sorry I cannot yield.

Mr. ROBERTS. The gentleman does not want to leave the RECORD in error. There is an express prohibition against any building to be built with counterpart funds in this bill.

Mr. GROSS. The gentleman will recall that a few days ago a bill was put through the House which provided for a hospital to be built in Poland out of counterpart funds.

This is going to be a splendid bill for the Secretary of Health, Education, and Welfare. I would like it as a personnel empire builder proposition if I were the Secretary, especially since it is provided that the President can delegate all of his powers to the Secretary. So when you vote for this bill it should be with the understanding you are building up Mr. Flemming's bureaucracy.

The SPEAKER pro tempore. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. BENNETT of Michigan. I yield the gentleman 2 additional minutes.

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. JOHANSEN. The gentleman touched on a point I wanted to ask about. Does he believe it is possible to have this additional expanded program without additional bureaucracy and additional personnel that cannot possibly be paid out of counterpart funds?

Mr. GROSS. Of course the gentleman is right. The gentleman knows that when this bill goes to conference with the Senate there will be hard American dollars put into this program and plenty of them. They cannot finance this in any other way and if the money is not appropriated this year you can be sure it will be demanded in 1961.

Mr. DENTON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Indiana.

Mr. DENTON. As I understand, we have spent money this way for some time, using 480 funds for research. In the last session we provided there must be appropriated in a special appropriation bill, and we appropriated money to be used for this purpose.

Does this bill change that law in any way which requires an appropriation to be made?

Mr. GROSS. I do not know, but I am very much interested.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. LAIRD. It does not. We would still appropriate U.S. dollars to purchase counterpart. It makes no change in the present law.

Mr. GROSS. I am opposed to this bill. I hope it is rejected.

The SPEAKER pro tempore. The time of the gentleman from Iowa has again expired.

Mr. BENNETT of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Speaker, I am puzzled about two features of the bill that have been called to my attention.

First, I notice that the Surgeon General, on page 2, line 22, will establish and maintain fellowships in the United States, and in participating foreign countries. If this bill is limited to the expenditure of foreign currencies, I do not see how those foreign currencies are going to be used to pay for fellowships in the United States.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Minnesota.

Mr. JUDD. Beginning at the bottom of page 3, the bill says he is to procure individuals at a compensation, and so forth, to be fixed by the Secretary, but not in excess of $50 per diem. That certainly is dollars, not foreign currencies. Later in the bill the original language is stricken out which authorized the appropriation of dollars, but the rest of the bill has not been brought into harmony with that deletion.

Mr. MEADER. The gentleman confirms my opinion.

Under the Senate bill, which provided for dollars, this made sense, but when you limit it to foreign currency it does not make sense.

I asked the gentleman from Michigan [Mr. BENNETT] about the language on page 12. I see the gentleman from New York [Mr. TABER] present, and I call his attention to that language.

I want to know whether or not that authorizes the bypassing of the Appropriations Committee and using counterpart funds for international research purposes.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from New York.

Mr. TABER. The language on page 12 of the bill states that the President may enter into agreement with foreign nations or organizations and nations to use foreign currencies which come under title I of the Agricultural Trade Development and Assistance Act of 1954. I do not know what else you would call it.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I yield.

Mr. JUDD. I think the gentleman from New York did not read the conditional clause "subject to section 1415 of the Supplemental Appropriation Act of 1953." That language makes it clear that the foreign currencies cannot be used without going through the appropriating process.

Mr. MEADER. The gentleman will assure me, will he, that the Appropriations Committee can review foreign currencies devoted to this program so that they can fit this in with dollar appropriations and other appropriations of foreign currencies so that we can see it all and that we are not bypassing the Appropriations Committee?

Mr. JUDD. I can give that assurance. I do not see how under this language it would be possible to bypass the Appropriations Committee in the appropriation or use of either dollars or foreign currencies.

Mr. HARRIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. O'BRIEN].

Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield.

Mr. HARRIS. The gentleman from Minnesota is eminently correct; the Appropriations Committee cannot be bypassed. It is made clear and plain beginning with line 4, page 12 of the bill.

Mr. O'BRIEN of New York. Mr. Speaker, I have listened with attention and sympathy to the arguments of the gentleman from Iowa in the past when he has referred to giveaways. I feel that this bill is as far away from being a giveaway as any bill which we could pass in this Congress.

What we are doing in this bill is getting something back, something very precious: We are exchanging soft money for hard medical knowledge which will save American lives. To me that is the overriding consideration.

I think we should note that in one of the Washington papers in the last day or two there was an estimate that our so-called soft money around the world might rise as high as $154 billion by the year 2000. I personally would like to dip into that a little bit, if I can, to save the lives of some of my friends and constituents.

Mr. BENNETT of Michigan. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have great respect and admiration for my colleague from New York who just spoke to you, but I think the record ought to be straight here about what this bill does.

The bill does not extend authority to the President of the United States or to anyone else to use the so-called soft currencies or counterpart funds that he does not already have today. I challenge anyone on this floor to point out to me where the language of this bill enlarges present law in any single respect for the President to use counterpart funds for this or any other purpose.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. BENNETT of Michigan. I yield to the gentleman from Minnesota.

Mr. JUDD. The committee report at the bottom of page 3 read:

> The powers granted to the President under this legislation essentially are not new powers but merely reemphasize powers already granted the President under the Mutual Security Act and other laws.

I am in favor of all of the objectives of this piece of legislation. But I cannot see any reason for passing it. It is completely unnecessary.

Mr. BENNETT of Michigan. It is a perfectly meaningless piece of legislation. What is proposed here is nothing that cannot be done under existing law, and the money is already available for that purpose, or will readily be made available.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. BENNETT of Michigan. I yield.

Mr. LAIRD. I would like to point out to the distinguished ranking minority member of the Interstate and Foreign Commerce Committee that the Committee on Appropriations has never denied $1 for the purchase of any foreign currency to carry on any medical research program any place in the world. We have not turned down any requests for dollar appropriations in this area.

Mr. BENNETT of Michigan. We do not need this bill to carry on this type of research.

Mr. HARRIS. Mr. Speaker, I yield the balance of the time on this side to the gentleman from Rhode Island [Mr. FOGARTY].

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FOGARTY. Mr. Speaker, I should like to speak in support of House Joint Resolution 649, the International Health Research Act of 1960. I have waited a long time to address this House in the critical moments of the debate on this measure to extend U.S. participation in medical research on an international basis. Just short of a year ago, I rose to urge expeditious action by this body on Senate Joint Resolution 41, the so-called health for peace bill introduced by Senator HILL. Senate Joint Resolution 41, as many of you may remember, was a broad and far-reaching measure providing for positive action by the Federal Government in mobilizing the world's scientific resources in an all-out attack upon disease, disability, and ill health. It had passed the Senate in May of 1959 with the overwhelming vote of 63 to 17. It had enthusiastic support from the major health organizations of the country and many persons of eminence in the health sciences, industry, and public affairs.

Unfortunately, the bill was opposed by the administration. Not in principles or purpose, mind you, but—and this is a familiar pattern—because its specific provisions were considered undesirable. First, it would cost too much money. Second, it provided for a new Institute at the National Institutes of Health for its administration. This was considered unnecessary. Third, the international program authorized by the bill was considered to be a foreign policy matter; therefore, the program should be linked with the State Department and ICA, and carried out under the immediate supervision of the President.

This was the basis of the administration's opposition to this bill. These viewpoints were advanced with vigor and effect. The administration's spokesman, however, seemed to have been completely oblivious to the fact that this legislation is a direct result of the inspiring proposal made by President Eisenhower in his state of the Union message—made to this Congress on January 9, 1958. In that message he urged an international campaign, and I quote, "against the diseases that are common enemy of all mortals—such as cancer and heart disease." This broad concept was reiterated by Dr. Milton Eisenhower when, speaking in behalf of the President, he pledged the support of the United States for an international medical research program, in his opening address before the 11th World Health Assembly in Minneapolis in May of 1958. Senator HILL and I, in introducing this initial legislation—the forerunner of Senate Joint Resolution 41 and House Joint Resolution 649 that we are considering now—specifically stated that the purpose was to provide the means to carry out the pledges made by the President in respect to U.S. support of international health research.

The Hill bill had other opposition. It was opposed by those who considered it just another giveaway program. Just one more way for U.S. dollars to be thrown down a "rat hole" with no benefit to the United States to be gained at all. This I believe to be a most distressingly shortsighted view. A view which ignores the whole recent history of advances in the medical sciences. It is a view oblivious to the fact that much of the great progress that the United States has made in its health and medical programs has been utterly dependent upon knowledge which has come from abroad or which we have gained through collaborative work with health scientists of other nations.

Participation in research, research training, and research planning on an international basis is important to the

United States for two fundamental reasons:

First, regardless of the magnitude of our national research efforts—and I have striven in the Appropriations Committee to assure adequate funds for research—many of our major research problems—cancer, heart disease, mental illness, and others—cannot be solved within our national boundaries.

We cannot ignore the progress that other countries have made in dealing with these same health problems. Through study and observation of their health efforts and their approaches to common health problems, we can gain great benefit in dealing with these same problems in the United States of America. The committee report cites eloquent examples of the knowledge to be gained from observing the experiences of others.

We cannot ignore the shifting patterns of infectious and communicable disease in this age of jet transportation and the known propensity of viruses to change their character and virulence. Only through joining with the health scientists of other nations in worldwide networks of observation, research, and testing can we achieve maximum protection.

We cannot ignore the talents and capabilities of foreign scientists who can make substantial contribution to the solution of disease and health problems of particular urgency to the United States. Providing for their support and advanced training in carefully planned programs, is to me an essential part of our national research effort.

We cannot overlook the primary lesson of the history of science—all knowledge is interdependent—no single finding has meaning except in the context of all related findings regardless of where they occur. We must provide for the closest association between our health scientists and those of other countries.

The second fundamental reason why this bill is important is because it clearly sets forth the view that the support and conduct of the health sciences on an international basis can do much to advance international objectives of importance to the United States.

I believe support of medical research and collaborative work with the other countries in this field can do far more toward achieving our foreign policy objectives than a great deal of the effort and funds that we put into military and economic assistance programs.

I think we have overlooked the relationship of health to productivity and thus to economic advancement. A worker that is a sick man produces only as sick men produce. He frequently consumes more than he contributes. Here is a quote from a report I read the other day which portrays this situation vividly:

> The economies of the underdeveloped areas that circle the globe are almost entirely extractive, largely agricultural, and whether on a subsistence basis or at the level of export, productivity stems chiefly from the physical capacity of human labor.
>
> Millions upon millions of the workers are staggering under the load of debilitating diseases, their physical and mental growth stunted by hookworm, their feet ulcerated with yaws, their strength sapped by schistosomiasis or African sleeping sickness and their initiative drained by malaria.
>
> They scratch the soil to feed their own intestinal worms which consume not a negligible fraction of their scarce food (and of our relief shipments). The malaria, the worms and most of the other diseases give them an enervating anemia invisible beneath their dark skins, leading to what is casually referred to as tropical apathy. The word "manana" often simply signifies anemia.
>
> The visitor, if he is not blind to the relation between the yield of a hoe and the strength of the hand that holds it, readily senses the loss in productivity. What he does not see is the stunted growth, the loss of initiative, the dulled mind, the distortion of the entire age structure of the population and the deep and permanent effect on culture itself and hence on the capacity to absorb, utilize or even to be interested in proposals for economic development.

U.S. collaboration in research programs aimed at controlling the major infectious diseases which beset millions of people in the world is a venture which can only engender good will. John T. Connor, president of Merck & Co., made this point well in speaking in support of legislation in this area:

> The International Medical Research Act stirs the imagination with its opportunities for a new breakthrough in international relations as well as in medical research. It can give a new dimension to foreign affairs and a new versatility to U.S. foreign policy. It can excite the universal support and enthusiasm for an international program that America has not seen since inauguration of the point 4 program of technical assistance.

Dr. I. S. Ravdin, vice president for medical affairs of the University of Pennsylvania, made a similar point:

> This Nation has long realized that a lack of concern for the problems of the health of people leads all too frequently to poverty, to diseases which sap the physical and mental vigor of people, and finally to revolt. We who have gained so much from the research of our own scientists and those from other countries, where good research has been and is being done, must realize that the more quickly we can assist those less fortunate to begin to achieve what we have so fortunately achieved, the more quickly universal understanding will be won in our troubled world.

This, I believe, was the objective being sought by the President when he uttered the words I quoted at the beginning of my remarks. Although I have found frequent reason to disagree with him in the past on this point, I am wholly in accord.

Looking to the future over the debris of the summit and the canceled visit to Japan, we must find a way to clearly and unequivocally set forth our international objective—mutual understanding amongst all peoples and the maximum well-being of man.

The passage of House Joint Resolution 649 I believe to be an essential and timely step in that direction.

Unfortunately, it is not as strong a bill as I had hoped would be presented to this House. The opposition to the legislation to which I referred earlier has had a substantial effect upon the course of the legislation we are considering today. The original Hill-Fogarty bill and the identical companion bills introduced by several other of my colleagues have been effectively bottled up in committee. My very good friend the gentleman from Alabama [Mr. ROBERTS], in an effort to reconcile the differences and overcome opposition to this legislation, introduced a substantially modified version of the Hill bill in the form of House Joint Resolution 649. It is this bill—further subdued as a result of amendment in committee—that we have before us today.

May I take a moment to acknowledge this considerable achievement on the part of Mr. ROBERTS? The favorable reporting of this bill, and preparation of the magnificent report which accompanied it, deserve the highest acclaim. Despite my disappointment with the specific terms of the present House Joint Resolution 649—the necessary consequence of compromise—the fact that such a bill has been favorably reported in time for definitive action in this Congress is a considerable victory. A victory from which I firmly believe the Nation—indeed the world—stands to benefit.

Senate Joint Resolution 41 has now become House Joint Resolution 649. They are vastly different pieces of legislation. The critics of Senate Joint Resolution 41 have been, in large part, answered.

The provision for a National Institute of International Medical Research has been stricken. The programs proposed can be administered as the Surgeon General of the Public Health Service, the Secretary of Health, Education, and Welfare, and the President see fit.

The problems of foreign policy are carefully provided for by a two-part division in the bill: One directed toward advancing the health sciences in the United States under which the Surgeon General and the Secretary of Health, Education, and Welfare act; the other directed toward advancing the international status of the health sciences under which the President may act.

The broad objectives and specific authorities and operating provisions which make Senate Joint Resolution 41 such a challenging piece of legislation have disappeared.

As it stands, House Joint Resolution 649 does not in essence add to or change the present authorities of the Surgeon General and the President to support medical research overseas. It does add to the authorities of the Secretary in this respect, particularly in the case of the Children's Bureau.

I am convinced, however, that the specific authorities conveyed by House Joint Resolution 649 are not the matter at issue here today. I believe the important action that will result from the passage of this bill will be the explicit expression of this House that the United States does have a substantial stake in the furtherance of the health sciences through the conduct and support of medical research overseas and in collaboration with other countries.

It is the clear emphasis that will be given to this vital point, which I believe to be the most important aspect of our action here today.

I should like to say again what I have said before in urging action upon legislation providing for greater support of international medical research.

I feel that each one of us in the Congress—acting in behalf of our own constituents, the people of the United States, and of people everywhere—must face the fact that time is a current issue in both of the objectives involved in this legislation. One is the conquest of disease; the other is the promotion of good will among men. We cannot let the opportunity slip through our fingers to take a vigorous step in the attainment of these objectives. I am sure I express the strong consensus of the members and the people when I urge that we act now to give shape and substance to programs which may make possible the significant advances for the national welfare as well as represent one of the finest expressions of man's concern for his fellow man.

Under previous consent, I include, as part of my remarks, the following letters and news articles:

WORLD REHABILITATION FUND, INC.,
New York, N.Y., April 11, 1958.

Mr. RICHARD CLARKE,
Executive Editor, The Daily News,
New York, N.Y.

MY DEAR MR. CLARKE: May I extend the deep gratitude of the World Rehabilitation Fund to the Daily News, Mr. Eckert Goodman, your staff photographers, and to you for the excellent story which appeared in the Daily News on Monday, March 31.

This article which combines the humanitarian, political, and economic objectives of the World Rehabilitation Fund is one of the finest which has appeared. It will be seen and read not only by the millions of readers of the Daily News but by those interested in the physically handicapped throughout the world.

Mr. Goodman and the Daily News have performed a public service of the highest order by this clear, heart-warming story emphasizing that American industry and the American people are concerned with human values and the dignity of the individual not only in our own Nation, but throughout the world.

Sincerely,

HOWARD A. RUSK, M.D.,
President.

[From the New York Daily News, Mar. 31, 1958]

REHABILITATION EFFORTS WIN FRIENDS, INFLUENCE PEOPLES

(By Eckert Goodman)

Happily waving one of his brandnew artificial arms, a smiling, 11-year-old Peruvian boy boarded an airliner at International Airport 6 weeks ago and took off for his home in the rugged hills behind Lima.

Three months before, Orlando Collantes, who lost his arms in a railroad accident at the age of 5, had arrived at the New York University-Bellevue Medical Center's Institute of Physical Medicine and Rehabilitation, 400 E. 34th Street.

The crippled boy, one of five children of a widowed sugar plantation worker, had been relatively helpless for nearly 6 years, until a Peruvian affiliate of the International Union for Child Welfare arranged his trip to New York last fall.

At the Institute, Orlando was fitted with tailormade prosthetic arms, and taught how to use them. A pair of Spanish-speaking technical trainees were on hand to help the youngster learn to lift his plastic limbs and to operate the gleaming chrome hooks that from now on will serve as his hands.

The apprentice technicians, studying here on scholarships, were Mercedes Abella, an occupational therapist from Cuba, and Juan Munros, a limbmaking student from Spain.

WHAT CAN BE DONE BY WORLD PROGRAM

"In a small but compelling way," says Dr. Howard A. Rusk, director of the Institute and president of the World Rehabilitation Fund, "Orlando's case symbolizes graphically what can be accomplished by an international program in behalf of the physically handicapped.

"It also exemplifies why I'm convinced that American leadership in this vitally important humanitarian field can win us more friendship among the ordinary citizens of foreign nations than all the billions of dollars we're contributing for their economic relief and defense programs.

"Wherever Orlando goes and whatever he accomplishes from now on, he'll stand as a living symbol of the American people's concern for their fellow man."

JUST A FRACTION OF WHAT'S NEEDED

Elaborating on this point, Rusk hastened to stress the limitations of what he meant:

It would be ridiculous to suppose that even the sum total of U.S. hospital facilities could treat more than a tiny fraction of the free world's millions of handicapped people. Or that an organization infinitely richer than the 3-year-old, contribution-supported World Rehabilitation Fund could begin to afford the cost of their care and treatment.

"But there are ways in which an awful lot of mileage can be gotten out of relatively small amounts of money, when it's judiciously spent," says Rusk.

On a small scale, the World Rehabilitation Fund has already put some of these procedures into effect.

MODERN TECHNIQUES ARE TAUGHT HERE

Like the Peruvian boy's trainee tutors, more than 40 foreign doctors, technicians and therapists from a score of different countries are currently learning rehabilitation techniques at the Medical Center, or in its affiliated service wards at such New York hospitals as St. Vincent's, Montefiore, Goldwater Memorial and Elmhurst General.

Nearly 85 percent of these students are wholly or partly supported by fellowship grants and scholarships provided by the World Rehabilitation Fund.

"When these men and women have finished their training and return to their own countries," says Rusk, "they'll be able to set up their own rehabilitation clinics and prosthetic appliance workshops, and to train other native medical personnel in their operation."

Besides supporting this educational program, the fund has assigned medical consultants to such far-flung areas as Burma, Thailand, India, and Jordan; and it has assisted in organizing rehabilitation congresses in Europe and Latin America.

The organization has shipped hundreds of braces and artificial limbs to the Philippines, South Korea, and other countries that are in desperate need of them. Libraries of periodicals and books on rehabilitation have been sent to such nations as Poland, France, Yugoslavia, Egypt, Lebanon, Denmark and Australia.

Inspiration for founding the World Rehabilitation Fund first came to Dr. Rusk 9 years ago, during a trip he made to Poland as a physical medicine consultant for the U.N.

HE MET HUNDREDS WHO NEEDED HELP

"It was impossible not to see the crying need for such an organization, or to recognize how important a role it could play in our country's international relations," recalls the doctor.

"The hundreds of handicapped and incapacitated people I encountered, desperately in need of assistance, were almost pathetically grateful for the vaguest suggestion of help that might be given them."

Today, 2 years after it began operations, the Fund boasts as its honorary chairmen former Presidents Herbert Hoover and Harry Truman; Bernard M. Baruch and Dr. Albert Schweitzer.

Its list of 25 notable directors includes such names as Norman Vincent Peale, Mrs. Anna Rosenberg, Gens. Walter Bedell Smith and David Sarnoff, Mrs. Bernard Gimbel and ex-Gov. Paul G. Hoffman of New Jersey.

NEEDS ARE GROWING EVEN MORE CRITICAL

The fund has never put on a public money-raising campaign and has no intention of doing so now. It is supported wholly by voluntary contributions from individuals, corporations, and foundations, and carries on its activities with minimal overhead, to the extent that money is made available.

The need for increased effort on America's part in the international rehabilitation field is, in Dr. Rusk's opinion, becoming daily more critical.

Outside the United States, there are at least 65 million physically handicapped people in the free world. About a third of them could be treated and retrained to become self-supporting members of their communities.

The remainder, mostly children and older people, could be made self-dependent in their daily lives.

According to the best estimates, Russia is currently turning out some 27,000 doctors a year, compared with the 7,000-odd we produce annually.

OUR TECHNIQUES, DEVICES ARE BEST

The Soviet doctor pool, it is reliably reported, has already grown so large that many Russian physicians are being used for the kinds of jobs to which we would usually assign nurses and technicians.

"It seems obvious to me what the Reds are planning to do," says Rusk. "They intend to send their communism-indoctrinated medical teams into backward parts of the world where their healing activities will forever be associated in the people's minds with Marxist doctrine."

As the result of a 12-year-old U.S. Government-sponsored artificial limb program in behalf of wounded war veterans, Rusk says, we have prosthetic devices and technical know-how superior to any existing elsewhere in the world today.

"Just as we're interested in sharing technical advances in nuclear energy for peaceful purposes with the rest of the world," argues the doctor, "I am convinced that we can make a significant contribution to the effective understanding of American ideals of democracy, and the value we place on human worth and dignity, by sharing our advances in artificial limbs with the world."

TWO-MILLION-DOLLAR EXPENDITURE NEEDED FOR PROGRAM

For an expenditure of $2 million—less than the cost of a pair of experimental ICBM rockets—Rusk estimates that the following activities could be accomplished during the course of the next 2 years:

Highly skilled medical consultants could be sent to all parts of the free world to learn what is most urgently needed.

Four completely equipped and staffed mobile prosthetic shops could be established in southeast Asia, the Near East, north Africa, and South America, to spend from 4 to 8 weeks in various communities demonstrating how braces and artificial limbs are fitted and training wearers in their use.

Permanent rehabilitation centers under American direction could be established in key parts of the world.

Parts to provide artificial limbs for more than 40,000 amputees could be shipped to areas most in need of them.

More than 100 additional trainees could be brought to the United States for training in physical medicine techniques.

All available technical literature and visual aids in rehabilitation currently on hand

in the United States could be translated and published in various languages for international distribution.

The rehabilitation trainees, says the doctor, would join the 400 health workers now receiving advanced training here under the auspices of the International Cooperation Administration. And, together with hundreds of others receiving training from private foundations, their own governments, and their personal resources, they would become permanent ambassadors of our democratic ideals.

HE FEARS TIME IS RUNNING OUT

In view of Russia's accelerated medical training program, Rusk believes that time is running out on us—much more rapidly than most Americans are aware.

But he's still hopeful. A born optimist, with a notable fondness for inspirational mottoes and epigrams, he has adopted as his personal credo the words of an obscure 17th century English philosopher:

"If every man would but mend a man, the world would soon be mended."

THE NEW YORK TIMES,
Times Square, April 4, 1955.

To the EDITORS,
Newsweek Magazine,
New York, N.Y.

GENTLEMEN: This is a letter of deep personal appreciation for the magnificent documentation by Mrs. Marguerite Clark of the story of Juan Yepez.

Juan is not just one little boy born without arms and legs in a far-away country. He is symbolic of the need for understanding and the recognition that arms and legs do not make a man—spirit makes a man. Since coming to our institute some 6 weeks ago, Juan now speaks English like a veteran. In fact, only last week he acted as interpreter for a wounded Columbian soldier who had just been flown in from Bogota. Juan is now walking on his new legs with special crutches which his small baby hands can fit into. Everyone at the institute who has worked with this amazing child has come to love him, and he has had much love before he came to us, for in spite of his rejection and abandonment, he feels completely secure and is the one who cheers up the other children in the ward when they are overcome by homesickness.

Two children in the ward were talking recently about "when we go home next week" and said to Juan, "When do you go home?" He was sitting on the windowsill, watching the cars on the East River Drive when asked the question and, looking far, far away, he replied, "I only go home when I walk home." As president of the International Society for the Welfare of Cripples, comprising 100 organizations from 30 countries all over the world, I have seen this spirit from Korea to Poland and from Haiti to Delhi. Here in the courageous spirit of the disabled do we have a common language.

Juan Yepez is a great symbol—a bright light in a spiritually gray world. He epitomizes spiritually even more dynamism than nuclear fission. When he walks back to Bolivia, he will bring with him a new concept of the dignity of the individual, for, verily, "a little child shall lead them."

I am deeply grateful to you for the deep sensitivity with which you have documented the story of a great human being.

Sincerely,

HOWARD A. RUSK, M.D.

[From Newsweek magazine, Feb. 21, 1955]

A BOY AND A MIRACLE

On a hot morning in 1951, a 5-year-old boy, born without arms or legs, was found in a trash can on a street in La Paz, Bolivia. The little mestizo (mixed Spanish and Indian blood) had no stumps, yet from his shoulders grew two perfectly formed hands and, from his hips, two strong feet. Taken to a home for abandoned children, he was "adopted" a year later by members of the La Paz Rotary Club and was placed in the American Hospital there. In no time, Juan Iregoyen Yepez became the pet of the place.

A handsome, alert youngster who picked up English quickly, Juanito was well developed physically, and from the usual run of scarlet fever, whooping cough, and measles he emerged tough and strong. He learned to get from one place to another by rolling about the hospital floor like a ball of tumbleweed. He devised ways of using head, chin, and mouth to suit his extraordinary needs. With nimble fingers he learned to feed himself. But in La Paz there was no equipment with which to rehabilitate the boy's cruel double handicap.

Last summer a young plastic surgeon from Kansas City, on a medical mission in Bolivia, encountered Juan, then 8 years old, at the American Hospital. Back in the States, the surgeon described this unusual case to Dr. Howard A. Rusk, director of the famous Institute of Physical Medicine and Rehabilitation, New York University-Bellevue Medical Center, New York. Several children's organizations became interested in the boy. An airline, Panagra, offered to fly him to New York. The Save the Children Federation volunteered to act as his guardian, in addition to contributing money for his care at the New York University-Bellevue Medical Center. Last week, his third in New York, Juan was a cynosure of American specialists' attention.

LATE CARE

Cases of congenital amputation—the medical name for this affliction—are not uncommon. Because of faulty genes, some 4.7 of 10,000 children are born without arms or legs or both. (Juan's mother had two brothers born without arms.) Many of these children, even quadruple amputees like Juan, have been fitted with artificial arms and legs and trained for useful lives (Newsweek, Nov. 5, 1951). Usually, however, their rehabilitation is started at a very early age, before the children are aware of their malformation. In Juan's case, retraining had been delayed for almost 9 years; the boy's mode of living had been conditioned by stark necessity. In the timelag, however, American doctors recognized two possible advantages: (1) Juan's mature courage and strong, well-developed body and mind, and (2) his naturally formed, though misplaced, hands and feet. Many young congenital amputees are born without any stumps at all, and fitting them with properly mechanized prostheses is a difficult task. For Juan's deformity, the experts reasoned, it might be possible to fashion special artificial arms and legs which could be worked, by remote control from Juan's own capable hands and feet.

By last week William Tosberg, chief of the N.Y.U.-Bellevue Center's Prosthetic Technical Services, had prepared a canvas basket into which Juan's torso could be fitted. Suspended from it were two stiff wooden legs. By twisting his agile trunk, the boy could teeter from side to side, in a walking-doll movement. "This will not do," he said patiently. "I have strong feet; I must have legs that my feet will work." Juan was right. If by some skilled trick of prosthetic engineering this can be accomplished, the boy may have self-motivated arms and legs before his rehabilitation is completed.

BIG FEE

Specialists at the center marvel at the remarkable adaptation made by the boy's gravely malformed body. Neurologists, amazed at his lack of dizziness after rolling about on the floor for 15 or 20 minutes, are conducting studies of his nervous system. Teachers are impressed by his quick grasp of facts and his unusual learning capacity. Nurses and attendants talk of his cheery disposition. However dramatically this bespoke his ability to help himself, Juan also is assured of being a big help to others.

Shortly before the boy arrived in New York, Dr. Rusk was visited by the Vice President of Bolivia, Dr. Harnán Siles Zuozo, and the consul general of that country, Dr. Alberto Arce Quiroga. After explaining the proposed program for Juan, Dr. Rusk added: "This will cost Bolivia a big fee. * * * We will rehabilitate Juan. We will help educate him, and when he is able to care for himself, we will send him back to Bolivia. There you will complete his education, and help him get a suitable job. That is not all.

"In return for our care of the boy, you will establish in Bolivia a rehabilitation center where all handicapped children—those like Juan, as well as those with polio or cerebral palsy or rheumatoid arthritis—will be retrained. That you will do for Juan Iregoygen Yepez."

The Bolivian dignitaries bowed. "You take the boy," Vice President Siles replied. "We will pay the fee."

TWO OF THE MANY REACTIONS FROM NEWSWEEK READERS WHO WERE INSPIRED BY MRS. CLARK'S STORY OF HOPE AND COURAGE

BETTER THAN MILLIONS

Congratulations on a brilliant piece of reporting. Am referring to your article (February 21) on Juanito Yepez, the congenital quadruple amputee from Bolivia.

For those of us who are in and out of Central and South America we found your article on Juanito gained us more friends (and respect) than all the millions our Government is pouring into these countries. We noted no sudden pro U.S.A. feeling in Brazil as a result of the $75 million donation [given Brazil by the United States], but we were pleasantly surprised with the many compliments for what the U.S.A. is doing for Juanito. I do not know what your circulation is in Latin America but can tell you the peons in the backwoods knew all about Juanito within 24 hours after the issue was on the streets.

You also mentioned the Save the Children Federation was paying his freight while in the United States. This organization, with a few thousand dollars, is gaining us thousands more friends than our State Department with their millions.

E. E. BUTLER,
Master, S/T Adrias.

TAMPICO, MEXICO.

THE RIGHT RELATIONSHIP

Words cannot begin to express my appreciation for the article you carried [on congenital amputation] in the February 21 issue of Newsweek about the Bolivian boy, Juan Iregoyen Yepez. Your treatment of this case was so humanitarian and brought before the people of our nation the unselfish work of doctors and hospital personnel. It did much to help establish the right relationship between the little people of the world.

CONRAD R. WILLARD,
Pastor, Calvary Baptist Church.

KANSAS CITY, MO.

Mr. BROCK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BROCK. Mr. Speaker, I am sure that all of you realize the values which will accrue to the United States through the enactment of House Joint Resolution 649. I favor this legislation because it

will make a direct contribution to improved health of the people of the United States.

The late Sir William Osler once said:

> The great republics of medicine know and has known no national boundaries.

This has been well illustrated by Dr. Howard A. Rusk in his testimony before the committees of the House of Representatives and the Senate on this legislation. Dr. Rusk, for example, has pointed out that—

> It was a Dutch scientist in 1676 who first revealed the world of micro-organisms. An English physician, Edward Jenner, who observed in 1796 that vaccination prevented smallpox, provided the basis for modern immunological concepts. Iwanowski, a Russian, identified the first virus in 1892. Two Canadians, Sir Frederick Banting and Charles Best, were the first to isolate insulin in 1921. The Spanish neuroanatomist, Santiago Ramon y Cajal, and the Italian histologist, Camilo Golgi, shared the Nobel Prize in 1906 for their work on the structure of the nervous system. The list goes on and on—penicillin from England, cortisone from the United States, rauwolfia from India, sulfonamides from Germany.

These developments, to which scientists throughout the world contributed, have laid the basis for the tremendous advances made in recent years in improving the health of the people of our Nation and increasing the lifespan.

To me, House Joint Resolution 649 is a sound investment in the health of our own people.

Mr. BOLAND. Mr. Speaker, I rise in support of House Joint Resolution 649 and I am highly pleased that this important legislation known as the International Health Research Act of 1960 has come to the floor for a vote.

The purpose of the resolution is to, first, advance the status of the health sciences in the United States through cooperative endeavors with other countries in health research and research training; and, second, to advance the international status of the health sciences through cooperative enterprises in health research, research planning and research training.

Mr. Speaker, this has been referred to as the health for peace resolution, and I think it is one of the most important pieces of legislation to be considered in the 86th Congress. As our colleague from Rhode Island, the distinguished chairman of the Appropriations Subcommittee for the Department of Health, Education, and Welfare, Mr. FOGARTY, so well stated during the hearings, this legislation in effect is a declaration of "war on disease not only in this country but all over the world."

Disease and disability know no international boundaries. President Eisenhower in his state of the Union address in 1958 suggested that progress could be made in the fight against such diseases as cancer and heart and mental illness all over the world. Soviet Russia's leaders subsequently responded in the affirmative, stating that in this area perhaps they could reach some agreements and advances could be made. This led Congressman FOGARTY and Senator LISTER HILL to introduce the resolutions.

Research in the health sciences fostered on an international basis holds great promise of advancement of benefit to all. I want to emphasize again what I said last year, that an unselfish effort on the part of the United States to advance the health sciences in the interest of all peoples can be a potent instrument of peace and good will. Such distinguished medical men as Dr. Howard Rusk, professor and chairman, Department of Physical Medicine and Rehabilitation, New York University, Bellevue Medical Center, Dr. Peter D. Commanduras, secretary general of Medico—Medical International Cooperation—and Dr. Thomas Dooley, who is rendering such outstanding medical service in Laos, all want to see this legislation enacted. The Senate passed this resolution unanimously last year and I hope that the House will do likewise today.

Mr. LINDSAY. Mr. Speaker, one of the most significant accomplishments of the Congress will be the passage by the House today of the International Health Research Act of 1960. This legislation could easily be the most important single approach in recent times toward world betterment. The Congress owes a debt of gratitude to Dr. Howard A. Rusk, chairman of the Department of Physical Medicine and Rehabilitation, New York University, Bellevue Medical Center, for his tireless efforts on behalf of this legislation. As early as May 1956, when Dr. Rusk first testified before the Senate Foreign Relations Committee on the importance of increased support by our Government in international health work, he said:

> It is my belief that rehabilitation of disabled children and adults is one of the sharpest tools and most effective instruments which we in the United States have for making friends—a tool which can penetrate any Iron or Bamboo Curtain to reach the minds and hearts of men.

I cannot improve on Dr. Rusk's statement. It is extremely gratifying that one of New York's most distinguished citizens has now seen the final passage of this significant legislation which he helped to bring about.

Mr. MACK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MACK. Mr. Speaker, I certainly could not take issue with the purpose of this bill. It undoubtedly would have some effect in advancing health sciences here and abroad through cooperative endeavors with other countries.

As in the past I still strongly favor health research and research training.

I have introduced amendments on this subject and plan to introduce another bill next year. I did, however, have some reservations about $50 million or even $5 million to establish a new International Health Agency.

I want to give all the aid and assistance to our scientists that is possible. I want to find the answer to the deadly killers, such as cancer, but I am not thoroughly convinced that this can be accomplished by appropriating $50 million for this International Agency.

During the consideration of this bill I suggested the use of counterpart funds to carry out this program and I am pleased that the sponsors of the bill have conducted an investigation and found that these funds can be utilized.

Mr. Speaker, under these circumstances I strongly support this bill and hope that it receives the support of the majority of the Members of the House.

The question was taken; and on a division (demanded by Mr. HARRIS) there were—ayes 105, noes 45.

Mr. BENNETT of Michigan. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 259, nays 114, not voting 58, as follows:

[Roll No. 152]

YEAS—259

Addonizio	Dixon	Jones, Ala.
Albert	Donohue	Jones, Mo.
Andrews	Dooley	Karsten
Ashley	Dorn, N.Y.	Karth
Aspinall	Doyle	Kasem
Auchincloss	Dulski	Kastenmeier
Avery	Dwyer	Kearns
Bailey	Edmondson	Kee
Baldwin	Elliott	Kilday
Baring	Everett	King, Calif.
Barr	Evins	King, Utah
Barrett	Fallon	Kirwan
Barry	Farbstein	Kluczynski
Bass, N.H.	Fascell	Kowalski
Bass, Tenn.	Feighan	Lane
Bates	Fenton	Lankford
Beckworth	Fisher	Lesinski
Bennett, Fla.	Flood	Levering
Blatnik	Flynn	Libonati
Boggs	Fogarty	Lindsay
Boland	Foley	Loser
Bolling	Forand	McCormack
Bowles	Friedel	McDowell
Brademas	Gallagher	McFall
Breeding	Garmatz	McGinley
Brewster	Gary	McGovern
Brock	Gathings	McMillan
Brooks, La.	Gavin	Macdonald
Brooks, Tex.	George	Machrowicz
Broomfield	Giaimo	Mack
Brown, Ga.	Gilbert	Madden
Burke, Ky.	Glenn	Mahon
Burke, Mass.	Goodell	Mailliard
Burleson	Granahan	Marshall
Byrne, Pa.	Grant	Martin
Cahill	Gray	Matthews
Canfield	Green, Oreg.	May
Carnahan	Green, Pa.	Meyer
Casey	Griffiths	Miller, Clem
Chelf	Hagen	Miller, George P.
Chenoweth	Halpern	Milliken
Chiperfield	Hardy	Mills
Church	Harris	Mitchell
Clark	Harrison	Moeller
Coad	Hays	Monagan
Cohelan	Healey	Montoya
Colmer	Hechler	Moorhead
Conte	Hemphill	Morgan
Cook	Hogan	Morris, N. Mex.
Cooley	Holland	Moulder
Corbett	Holtzman	Multer
Cramer	Huddleston	Murphy
Curtin	Hull	Natcher
Daddario	Ikard	Nelsen
Dague	Inouye	Nix
Daniels	Irwin	Norblad
Davis, Tenn.	Jarman	O'Brien, Ill.
Dawson	Jennings	O'Brien, N.Y.
Delaney	Johnson, Calif.	O'Hara, Ill.
Dent	Johnson, Colo.	O'Hara, Mich.
Denton	Johnson, Md.	O'Neill
Diggs	Johnson, Wis.	Osmers
Dingell	Jonas	

Passman	Rogers, Colo.	Sullivan
Patman	Rogers, Fla.	Teague, Tex.
Perkins	Rogers, Mass.	Teller
Pfost	Rogers, Tex.	Thomas
Philbin	Rooney	Thompson, N.J.
Poage	Roosevelt	Thompson, Tex.
Porter	Rostenkowski	Thornberry
Powell	Roush	Toll
Preston	Rutherford	Trimble
Price	Santangelo	Udall
Prokop	Saund	Ullman
Pucinski	Saylor	Vanik
Quigley	Schenck	Van Zandt
Rabaut	Selden	Vinson
Rains	Shelley	Wallhauser
Randall	Shipley	Walter
Reuss	Sikes	Wampler
Rhodes, Ariz.	Sisk	Widnall
Rhodes, Pa.	Slack	Wier
Riley	Smith, Iowa	Wolf
Rivers, Alaska	Smith, Miss.	Young
Rivers, S.C.	Springer	Younger
Roberts	Staggers	Zablocki
Rodino	Stubblefield	

NAYS—114

Abbitt	Fountain	O'Konski
Abernethy	Fulton	Ostertag
Alexander	Griffin	Pelly
Allen	Gross	Pillion
Andersen, Minn.	Gubser	Poff
	Haley	Quie
Arends	Harmon	Ray
Ashmore	Henderson	Rees, Kans.
Ayres	Herlong	Riehlman
Baker	Hiestand	Robison
Baumhart	Hoeven	St. George
Becker	Hoffman, Ill.	Scherer
Belcher	Hoffman, Mich.	Schneebeli
Bennett, Mich.	Holt	Schwengel
Berry	Horan	Short
Betts	Hosmer	Siler
Bolton	Jackson	Simpson
Bosch	Jensen	Smith, Calif.
Bow	Johansen	Smith, Kans.
Brown, Ohio	Judd	Smith, Va.
Broyhill	Keith	Taber
Budge	Kilburn	Teague, Calif.
Byrnes, Wis.	Kilgore	Thomson, Wyo.
Cannon	Kitchin	Tollefson
Cederberg	Knox	Tuck
Chamberlain	Kyl	Utt
Collier	Laird	Van Pelt
Cunningham	Langen	Weaver
Curtis, Mass.	Latta	Weis
Curtis, Mo.	Lipscomb	Westland
Davis, Ga.	McCulloch	Wharton
Derounian	McDonough	Whitener
Derwinski	McIntire	Whitten
Devine	Meader	Williams
Dorn, S.C.	Michel	Wilson
Dowdy	Minshall	Winstead
Flynt	Moore	Withrow
Ford	Murray	
Forrester	Norrell	

NOT VOTING—58

Adair	Frazier	Moss
Alford	Frelinghuysen	Mumma
Alger	Halleck	Oliver
Anderson, Mont.	Hargis	Pilcher
	Hébert	Pirnie
Anfuso	Hess	Reece, Tenn.
Barden	Holifield	Scott
Bentley	Kelly	Sheppard
Blitch	Keogh	Spence
Bonner	Lafore	Steed
Boykin	Landrum	Stratton
Bray	Lennon	Taylor
Brown, Mo.	McSween	Thompson, La.
Buckley	Magnuson	Wainwright
Burdick	Mason	Watts
Celler	Merrow	Willis
Coffin	Metcalf	Wright
Downing	Miller, N.Y.	Yates
Durham	Morris, Okla.	Zelenko
Fino	Morrison	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh and Mr. Hébert for, with Mr. Taylor against.

Mr. Alford and Mr. Buckley for, with Mr. Alger against.

Mr. Wainwright and Mr. Holifield for, with Mr. Reece of Tennessee against.

Mr. Sheppard and Mr. Anfuso for, with Mr. Hess against.

Mr. Morrison and Mr. Frazier for, with Mr. Lafore against.

Mr. Frelinghuysen and Mr. Willis for, with Mr. Mason against.

Mr. Celler and Mrs. Kelly for, with Mr. Miller of New York against.

Mr. Stratton and Mr. Thompson of Louisiana for, with Mr. Pirnie against.

Mr. Zelenko and Mr. Yates for, with Mr. Bentley against.

Until further notice:

Mr. Lennon with Mr. Halleck.

Mr. McSween with Mr. Bray.

Mr. Anderson of Montana with Mr. Mumma.

Mr. Burdick with Mr. Meader.

Mr. Durham with Mr. Fino.

Mr. Oliver with Mr. Adair.

Mr. WOLF changed his vote from "nay" to "yea."

Mr. FASCELL changed his vote from "nay" to "yea."

Mr. COLLIER changed his vote from "present" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

INTERNATIONAL HEALTH AND MEDICAL RESEARCH ACT OF 1959

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (S.J. Res. 41), strike out all after the resolving clause, and substitute the resolution just passed.

The Clerk read the title of the Senate joint resolution.

Mr. GROSS. Mr. Speaker, reserving the right to object, is this the same bill?

Mr. HARRIS. Yes. This just sends it back to the other body.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Whereas it is recognized that disease and disability are the common enemies of all nations and peoples, and that the means, methods, and techniques for combating and abating the ravages of disease and disability and for improving the health and health standards of man should be sought and shared, without regard to national boundaries and divisions; and

Whereas advances in combating and abating disease and in the positive promotion of human health can be stimulated by supporting and encouraging cooperation among scientists, research workers, and teachers on an international basis, with consequent benefit to the health of our people and of all peoples; and

Whereas there already exist tested means for international cooperation in matters relating to health, including the World Health Organization, the Pan American Health Organization, and the United Nations Children's Fund (UNICEF), with which the United States is identified and associated, and it is highly desirable that the United States establish domestic machinery for the maximum mobilization of its health research resources, the more efficiently to cooperate with and support the research, research-training and research-planning endeavors of such international organizations: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "International Health and Medical Research Act of 1959".

SEC. 2. It is the purpose of this joint resolution to advance the status of the health sciences in the United States, the health standards of the American people, and those of other countries and peoples, by cooperative endeavors in health research, research planning, and research training with the scientists, research workers, technicians, experts, and teachers of other countries; and to that end to help mobilize the health sciences in the United States as a force for peace, progress, and good will among the peoples of the world.

SEC. 3. There is hereby established in the Public Health Service, within the National Institutes of Health, the National Institute for International Health and Medical Research (hereinafter referred to as the "Institute").

SEC. 4. Subject to the supervision and direction of the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), the Surgeon General of the United States Public Health Service, through the Institute and in cooperation with the National Advisory Council for International Health and Medical Research hereinafter established, shall carry out the provisions of this joint resolution, and for such purpose may utilize, in addition to the Institute, other units of the Public Health Service and, subject to the approval of the Secretary, the Office of Vocational Rehabilitation, the Children's Bureau, and such other agencies and offices in the Department of Health, Education, and Welfare (hereinafter referred to as the "Department") as he may deem advisable.

SEC. 5. (a) There is hereby established a National Advisory Council for International Health and Medical Research (hereinafter referred to as the "Council"), consisting of the Surgeon General, who shall be Chairman, the Director of the Office of Vocational Rehabilitation or his representative, and the Chief of the Children's Bureau or his representative, who shall be ex officio members, and sixteen members appointed by the Secretary without regard to the civil service laws, twelve nominated by the Surgeon General, two nominated by the Director of the Office of Vocational Rehabilitation, and two nominated by the Chief of the Children's Bureau. The sixteen appointed members shall be leaders in the fields of health research; health sciences; teaching and training in the health sciences; and public and international affairs; and shall include, among others, leaders in fields related to the health of mothers and children and in the field of rehabilitation. Each appointed member shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of the members first taking office after the date of enactment of this joint resolution shall expire, as designated by the Secretary at the time of appointment, four at the end of four years after such date, four at the end of three years after such date, four at the end of two years after such date, and four at the end of one year after such date. None of the appointed members shall be eligible for reappointment until a year has elapsed since the end of his preceding term.

(b) The Council is authorized to—

(1) advise, consult with, and make recommendations to the Secretary and the Surgeon General on matters relating to the purposes and activities authorized by this joint resolution;

(2) review applications for financial grants under section 6(a) and recommend to the Surgeon General its approval of those applications which it believes show promise

of making valuable contributions to carrying out the purposes of this joint resolution, and no financial grant made under the terms of this joint resolution shall be approved by the Surgeon General except after review and recommendation for approval by the Council; and

(3) review, and make recommendations to the Surgeon General with respect to, such other research projects or programs or proposals therefor, relating to the purposes of this joint resolution, as may be submitted to or initiated by it.

(c) Appointed members of the Council who are not otherwise in the employ of the United States, while attending meetings of the Council or otherwise serving at the request of the Surgeon General, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(d) (1) Any appointed member of the Council is hereby exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U.S.C. 99), except as otherwise specified in paragraph (2) of this subsection.

(2) Such exemption shall not extend—

(A) to the receipt or payment of salary, in connection with the appointee's service as a member of the Council, from any source other than the private employer of the appointee at the time of his appointment, or

(B) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

(e) Provision shall be made by the Secretary for representatives of other Federal departments or agencies engaged in or supporting research in the sciences relating to health to be invited to meet with the Surgeon General, and, when appropriate, with the Council, to discuss programs and problems of common interest.

SEC. 6. (a) In carrying out the purposes of this joint resolution, the Surgeon General is authorized to encourage, support, promote the coordination of, and otherwise cooperate and assist in the training for, and the planning and conduct of, in foreign countries and (when deemed necessary to carry out such purpose) in the United States, research, investigations, experiments, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments of mankind (including nutritional and other health deficiencies), or relating to the rehabilitation of the physically or mentally handicapped, and to these ends—

(1) make financial grants to universities, hospitals, laboratories, or other public or private institutions or agencies, or to individuals, in foreign countries or in the United States, or contract with such institutions, agencies, or individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(2) make grants or loans of equipment, or of medical, biological, physical, or chemical substances or other materials, for use by such institutions, agencies, or individuals;

(3) furnish technical assistance and advice to such institutions or agencies;

(4) provide to such institutions or agencies, and pay the compensation and expenses of, scientists and experts from the United States and other countries and facilitate the interchange among foreign countries of scientists and experts (including the payment of travel and subsistence for such scientists and experts when away from their places of residence);

(5) cooperate and assist in the planning and conduct of research, research planning, and research training programs and projects by the World Health Organization and other international organizations or groups engaged in, or concerned with, research or research training endeavors in the health sciences, and, through financial grants or other appropriate means, assist in special research, research planning, or research training projects conducted by or under the auspices of such organizations where they can effectively carry out such activities contemplated by this joint resolution;

(6) encourage and support the coordination of experiments and programs of research conducted in the United States with related programs conducted abroad, by facilitating the interchange of research scientists and experts between the United States and foreign countries and among other countries who are engaged in such experiments and programs of research, including the payment of per diem compensation, subsistence, and travel for such scientists and experts when away from their places of residence, as provided for experts and consultants in subsection (b) thereof;

(7) establish and maintain research fellowship within the National Institutes of Health and elsewhere with such allowances (including travel and subsistence expenses) as may be deemed necessary to train United States research workers, research teachers, technicians, and experts in the laboratories of other countries and to provide for the training of talented research fellows from abroad in the United States or in other countries, and, in addition, provide for such fellowships and other research training through financial grants to public and other nonprofit institutions or agencies in the United States or other countries;

(8) provide, through financial grants, loans, or contracts (without regard to the provisions of sections 3648 and 3709 of the Revised Statutes), for the improvement or alteration of facilities, including the erection of temporary facilities for research and research training purposes when necessary to carry out the purposes of this joint resolution with respect to any project;

(9) conduct research, investigations, experiments, and studies in foreign countries or in the United States;

(10) encourage and support international communication in the sciences relating to health by means of calling or cooperating in the convening, and financing or contributing to the financing of the expenses of, international scientific meetings and conferences; and provide, or arrange for the provision of, translating and other services, and issue or finance publications, leading to a more effective dissemination of relevant scientific information with respect to research conducted in the United States or foreign countries; and

(11) upon recommendation of the Council, employ such other means as he may deem necessary or appropriate for carrying out the purposes of this joint resolution.

(b) The Surgeon General is authorized, to the extent he deems it necessary to carry out the provisions of this joint resolution, (1) to employ experts and consultants or organization thereof, as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); individuals so employed shall be entitled to compensation and allowances as provided in section 5(c) for members of the Council; and (2) to employ and make payments of compensation to aliens notwithstanding any prohibition in any other law.

(c) The Secretary is authorized to establish and fix the compensation for, within the Department (including any agency thereof), in addition to other positions for carrying out this joint resolution, not more than ten scientific, professional, and administrative positions to effectuate those activities in the Department in carrying out this joint resolution which require the services of specially qualified scientific, professional, or administrative personnel, in the same manner and subject to the same limitations as in the case of the positions authorized under section 208(g) of the Public Health Service Act.

(d) In carrying out the provisions of this joint resolution the Surgeon General is authorized to establish offices in foreign countries, for such areas as he may deem advisable, and for such purpose appropriations for carrying out this joint resolution shall be available for rental or lease outside the United States of offices, buildings, grounds, and living quarters to house personnel; maintenance, furnishing, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government abroad; and costs of fuel, water, and utilities for such properties.

SEC. 7. In the exercise of his authority under the provisions of this joint resolution the Secretary shall take such steps as in his judgment are necessary or appropriate to assure that, in the administration of the program—

(a) the facilities and services of agencies and offices of the Department other than the Public Health Service are utilized to the optimum extent;

(b) provision is made for coordination of the work of, and consultation between, the Public Health Service and such other agencies and offices of the Department;

(c) in determining (within the limits of available appropriations) the relative emphasis, priorities, and fund allocations for the various areas within the overall program, appropriate weight and recognition is given to research and research-training needs in fields involving or related to rehabilitation and to maternal health and child health; and

(d) this joint resolution shall be administered consistently with the foreign policy of the United States as determined by the President and the Secretary of State.

SEC. 8. (a) There is hereby authorized to be appropriated to the Surgeon General the sum of $50,000,000 annually, to carry out the provisions of this joint resolution. Amounts appropriated for any fiscal year and remaining unobligated at the end of such year shall be available for obligation during the next fiscal year in addition to the amounts appropriated for such next fiscal year.

(b) The Secretary is authorized to transfer, from appropriations made hereunder, to other agencies and offices of the Department utilized in carrying out this joint resolution, such amounts as the Secretary may determine to be necessary for the payment of salaries and expenses of such agencies and offices.

SEC. 9. (a) The Surgeon General is authorized to make, with the approval of the Secretary, such administrative and other regulations as he finds necessary to carry out the provisions of this joint resolution.

(b) The Surgeon General may delegate to any officer or employee of the Service such of his powers and duties under this joint resolution, except the making of regulations, as he may deem necessary or expedient.

SEC. 10. The activities authorized herein shall not extend to the support of public health, medical care, or other programs of an operational nature as contrasted with research, research planning, and research training, not shall any of the grants herein authorized include grants for the improvement or extension of public health administration in other countries except for necessary research, research planning, and re-

search training in the science of public health and public health administration.

SEC. 11. Nothing in this joint resolution shall be construed to repeal or restrict authority otherwise vested in the Secretary, the Surgeon General, or any other officer or agency of the Department, or in any other officer or agency of the United States.

SEC. 12. The Surgeon General shall transmit to the Secretary for transmission to the Congress at the beginning of each regular session, a report summarizing the activities under this joint resolution and making such recommendations as he may deem appropriate. The Surgeon General shall include in his annual report a statement covering recommendations made by the Council and the disposition thereof.

Mr. HARRIS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Strike out all after the resolving clause and substitute the following:

"SHORT TITLE

"SECTION 1. This joint resolution may be cited as the 'International Health Research Act of 1960'.

"PURPOSE OF RESOLUTION

"SEC. 2. It is the purpose of this joint resolution—

"(1) to advance the status of the health sciences in the United States and thereby the health of the American people through cooperative endeavors with other countries in health research, and research training; and

"(2) to advance the international status of the health sciences through cooperative enterprises in health research, research planning, and research training.

"AUTHORITY OF SURGEON GENERAL

"SEC. 3. Part A of title III of the Public Health Service Act (42 U.S.C., ch. 6A) is amended by adding immediately after section 307, the following new section:

"'INTERNATIONAL COOPERATION

"'SEC. 308. (a) To carry out the purposes of clause (1) of section 2 of the International Health Research Act of 1960, the Surgeon General may, in the exercise of his authority under this Act and other provisions of law to conduct and support health research and research training, make such use of health research and research training resources in participating foreign countries as he may deem necessary and desirable.

"'(b) In carrying out his responsibilities under this section the Surgeon General may—

"'(1) establish and maintain fellowships in the United States and in participating foreign countries;

"'(2) make grants to public institutions or agencies and to nonprofit private institutions or agencies in the United States and in participating foreign countries for the purpose of establishing and maintaining fellowships;

"'(3) make grants or loans of equipment, medical, biological, physical, or chemical substances or other materials, for use by public institutions or agencies, or nonprofit private institutions or agencies, or by individuals, in participating foreign countries;

"'(4) participate and otherwise cooperate in any international health research or research training meetings, conferences, or other activities;

"'(5) facilitate the interchange between the United States and participating foreign countries, and among participating foreign countries, of research scientists and experts who are engaged in experiments and programs of research or research training, and in carrying out such purpose may pay per diem compensation, subsistence, and travel for such scientists and experts when away from their places of residence at rates not to exceed those provided in section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently; and

"'(6) procure, in accordance with the provisions of section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), the temporary or intermittent services of experts or consultants; individuals so employed shall receive compensation at a rate to be fixed by the Secretary, but not in excess of $50 per diem, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"'(c) The Surgeon General may not, in the exercise of his authority under this section, assist in the construction of buildings for research or research training in any foreign country.

"'(d) For the purposes of this section—

"'(1) The term "health research" shall include, but not be limited to, research, investigations, and studies relating to causes and methods of prevention of accidents, including but not limited to highway and aviation accidents.

"'(2) The term "participating foreign countries" means those foreign countries which cooperate with the United States in carrying out the purposes of this section.'

"AUTHORITY OF SECRETARY

"SEC. 4. (a) To carry out the purposes of clause (1) of section 2 of this Act, the Secretary of Health, Education, and Welfare (hereafter referred to as the 'Secretary') may in the exercise of his responsibilities under the Vocational Rehabilitation Act (29 U.S.C., ch. 4) and the Act entitled 'An Act to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau approved April 9, 1912, as amended (42 U.S.C., ch. 6), and any other provision of law, to conduct and support health research and research training, including research and research training relating to the rehabilitation of the handicapped, make such use of health research and research training resources in participating foreign countries as he may deem necessary and desirable.

"(b) To carry out his responsibilities under this section the Secretary may—

"(1) establish and maintain fellowships in the United States and in participating foreign countries;

"(2) make grants to public institutions or agencies and to nonprofit private institutions or agencies in the United States and in participating foreign countries for the purpose of establishing and maintaining fellowships;

"(3) make grants or loans of equipment, medical, biological, physical, or chemical substances or other materials, for use by public institutions or agencies, or nonprofit private institutions or agencies, or by individuals, in participating foreign countries;

"(4) participate and otherwise cooperate in any international health or medical research or research training meetings, conferences, or other activities;

"(5) facilitate the interchange between the United States and participating foreign countries, and among participating foreign countries, of research scientists and experts who are engaged in experiments and programs of research or research training, and in carrying out such purpose may pay per diem compensation, subsistence, and travel for such scientists and experts when away from their places of residence at rates not to exceed those provided in section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service intermittently employed; and

"(6) procure, in accordance with the provisions of section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), the temporary or intermittent services of experts or consultants; individuals so employed shall receive compensation at a rate to be fixed by the Secretary, but not in excess of $50 per diem, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(c) For the purposes of this section—

"(1) The term 'health research' shall include, but not be limited to, research, investigations, and studies relating to causes and methods of prevention of accidents, including but not limited to highway and aviation accidents.

"(2) The term 'participating foreign countries' means those foreign countries which cooperate with the United States in carrying out the purposes of this section.

"AUTHORITY OF PRESIDENT

"SEC. 5. (a) It is the sense of Congress that the President should use his authority under the Constitution and laws of the United States to accomplish the purposes of section 2 of this joint resolution and in accomplishing such purposes (1) use to the fullest extent practicable foreign currencies or credits available for utilization by the United States, (2) enter into agreements to use foreign currencies and credits available to other nations for use with the agreement of the United States, and (3) use any other foreign currencies and credits which may be made available by participating foreign countries.

"(b) To carry out the purposes of section 2 of this joint resolution the President, in cooperation with participating foreign countries, is authorized to encourage, support, and promote the planning and conduct of, and training for, research investigations, experiments, and studies in the United States and in participating foreign countries relating to the causes, diagnosis, treatment, control, and prevention of diseases and impairments of mankind (including nutritional and other health deficiencies) or to the rehabilitation of the handicapped.

"(c) To carry out his responsibilities under this joint resolution the President may—

"(1) establish and maintain fellowships in participating foreign countries;

"(2) make financial grants to establish and maintain fellowships, and for other purposes, to public institutions and agencies and to nonprofit private institutions and agencies, and to individuals in participating foreign countries, or contract with such institutions, agencies, or individuals without regard to sections 3648 and 3709 of the Revised Statutes of the United States;

"(3) make grants or loans of equipment, medical, biological, physical, or chemical substances or other materials, for use by such institutions, agencies, or individuals;

"(4) furnish technical assistance and advice to such institutions or agencies and in carrying out such purposes may pay the compensation and expenses of scientists and experts from the United States and other participating foreign countries;

"(5) facilitate the interchange among participating foreign countries of scientists and experts (including the payment of travel and subsistence for such scientists and experts when away from their places of residence);

"(6) cooperate and assist in the planning and conduct of research, research planning, and research training programs and projects by groups engaged in, or concerned with, research or research training endeavors in the health sciences, and, through financial grants or other appropriate means, assist in

special research, research planning, or research training projects conducted by or under the auspices of such groups where they can effectively carry out such activities contemplated by this joint resolution;

"(7) encourage and support international communication in the sciences relating to health by means of calling or cooperating in the convening, and financing or contributing to the financing of the expenses of, international scientific meetings and conferences; and provide, or arrange for the provision of, translating and other services, and issue or finance publications, leading to a more effective dissemination of relevant scientific information with respect to research conducted in the United States or participating foreign countries.

"(d) The activities authorized in this section shall not extend to the support of public health, medical care, or other programs of an operational nature as contrasted with research and research training nor shall any of the grants authorized by this section include grants for the improvement or extension of public health administration in other countries except for necessary research and research training in the science of public health and public health administration.

"(e) The President is authorized, to the extent he deems it necessary to carry out the purposes of section 2 of this joint resolution, to employ experts and consultants or organizations thereeof, as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), and create a committee or committees to be composed entirely of persons who are citizens of the United States to advise him in the administration of this joint resolution; individuals so employed and members of committees shall be entitled to receive compensation at a rate to be fixed by the President, but not to exceed $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(f) The President may delegate any authority vested in him by this section to the Secretary of Health, Education, and Welfare. The Secretary may from time to time issue such regulations as may be necessary to carry out any authority which is delegated to him under this section, and may delegate performance of any such authority to the Surgeon General of the Public Health Service, the Director of the Office of Vocational Rehabilitation, the Chief of the Children's Bureau, or other subordinates acting under his direction.

"(g) In order to carry out the purposes of section 2 of this joint resolution, and subject to section 1415 of the Supplemental Appropriation Act, 1953, the President may use or enter into agreements with foreign nations or organizations of nations to use the foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, and the Mutual Security Act of 1954, or which are otherwise available for utilization by the United States. The President is authorized to agree to the utilization by foreign nations, for programs designed to carry out the purposes of section 2 of this joint resolution in cooperation with the United States, of amounts deposited in special accounts pursuant to section 142(b) of the Mutual Security Act of 1954, to the extent that the amounts in such accounts exceed the requirements of other programs covered by such section 142(b). Such utilization of amounts in special accounts shall be without regard to the second proviso in clause (iii) of such section 142(b).

"(h) The President shall transmit to the Congress at the beginning of each regular session, a report summarizing activities under this section and making such recommendations as he may deem appropriate.

"(i) For the purposes of this section—

"(1) The term 'health research' shall include, but not be limited to, research, investigations, and studies relating to causes and methods of prevention of accidents, including but not limited to highway and aviation accidents.

"(2) The term 'participating foreign countries' means those foreign countries which cooperate with the United States in carrying out the purposes of this section.

"OTHER AUTHORITY

"SEC. 6. Nothing in this joint resolution shall be construed to repeal or restrict authority vested in the President, the Secretary of State, the Secretary of Health, Education, and Welfare, the Surgeon General of the Public Health Service, or any other officer or agency of the United States by any other provision of law."

The amendment was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider and a similar House joint resolution (H.J. Res. 649) were laid on the table.

COMMITTEE ON AGRICULTURE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROJECT GRANTS FOR GRADUATE TRAINING IN PUBLIC HEALTH

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6871) to amend the Public Health Service Act to provide for a public health training program, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part A of title III of the Public Health Service Act, as amended (42 U.S.C., chapter 6A, subchapter II), is amended by inserting at the end thereof the following new section:

"PROJECT GRANTS FOR GRADUATE TRAINING IN PUBLIC HEALTH

"SEC. 308. (a) In order to enable the Surgeon General to make project grants to schools of public health, and to those schools of nursing or engineering which provide graduate or specialized training in public health for nurses or engineers, for the purpose of strengthening or expanding graduate public health training in such schools, there are hereby authorized to be appropriated not to exceed $2,000,000 for each fiscal year in the period beginning July 1, 1960, and ending June 30, 1965.

"(b) Grants to schools under subsection (a) of this section may be made only for those projects which are recommended by the advisory committee appointed pursuant to section 306(d). Any grant for a project made from an appropriation under this section for any fiscal year may include such amounts for carrying out such project during succeeding years. Payment pursuant to such grants may be made in advance or by way of reimbursement, and in such installments and on such conditions not inconsistent with the laws of the States in which such schools are situated as the Surgeon General shall prescribe by regulation after consultation with representatives of such schools."

(b) The first sentence of subsection (d) of section 306 of such Act (42 U.S.C. 212d) is amended by inserting "and section 308" after "this section" and by adding before the period at the end thereof "and including, in the case of section 308, certification to the Surgeon General of projects which it has reviewed and approved".

SEC. 2. Section 2 of the Act entitled "An Act to amend section 314(c) of the Public Health Service Act, so as to authorize the Surgeon General to make certain grants-in-aid for provision in public or nonprofit accredited schools of public health of training and services in the fields of public health and in the administration of State and local public health programs", approved July 22, 1958, is repealed.

The SPEAKER. Is a second demanded?

Mr. YOUNGER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HARRIS. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, this bill, H.R. 6871, comes to the floor of the House unanimously from the Subcommittee on Health and Safety of the Committee on Interstate and Foreign Commerce, and I believe was unanimously reported by the full committee. It is an extension of present legislation, the Hill-Rhodes bill which was sponsored by the distinguished Senator from Alabama and the gentleman from Pennsylvania [Mr. RHODES] 2 years ago.

It was the sense of the committee at that time that a 2-year period would be sufficient until the National Conference on Public Health could be held to determine whether or not this program should be continued.

The purpose of the legislation is to expand and strengthen graduate public health training.

First. The bill would authorize a new 5-year program of project grants not to exceed $2 million annually in the schools of public health and in those schools of nursing and engineering which provide graduate or special training in public health.

Second. The bill would extend without time limit the present authority of the Surgeon General to make grants-in-aid at any time, not to exceed $1 million annually, to schools of public health.

The 5-year program of project grants was recommended by the Secretary of Health, Education, and Welfare.

The program is designed to strengthen and expand graduate specialized public health training so that physicians, engineers, and public health personnel receiving such training will be efficiently prepared to assume responsibility in connection with new public health programs.

I might say that as far as the 11 schools of public health are concerned they are in a pretty bad way.

Five of them are publicly supported schools, located in the States of California, Michigan, Minnesota, North Carolina, and Puerto Rico; 6 are sup-

ported chiefly by private funds, Columbia, Harvard, Johns Hopkins, Tulane, and Yale.

The purpose of this legislation is to provide the necessary funds for these schools so that they may expand their faculties to take care of a list of public health fields that are new to this particular era in which we live. I say "new," most of them are, such as radiological health, which consists of atomic waste disposal and other means of protecting the public from radioactivity. We are going to have to have a lot of people trained in that particular field. In the field of air pollution, you may have recently seen in the CONGRESSIONAL RECORD a list of the cities of the United States which have very high concentrations of unused and unburned hydrocarbons. They have had the cancer tag put on them. In my particular State, the city of Birmingham has a cancer rate 3 times that of the national average. We are gradually coming around to the viewpoint that air pollution and water pollution and many of these other problems are not local problems any more, and that every metropolitan area in our country will sooner or later be affected by these problems.

Mr. Speaker, there will be some opposition to this bill today, but I think it is highly important that we do something for these schools. We could not pass a school construction bill this year because we ran into budgetary problems. You certainly cannot pass any aid to construction for these schools of public health when you are not doing it for the medical colleges and universities, and they are located under the jurisdiction of those colleges and universities.

I feel that with 2,500 positions in the public health field going vacant because we do not have the trained personnel to man them, since most of these people are Federal, State, and municipal employees, or employees of WHO or some other type of international organization, it is not right for these schools to do all of this work and be doing it at a deficit to themselves.

In 1958 these schools showed a deficit of around $3 million. That deficit has been increased since that time too, I believe, $3.5 million.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. HARRIS. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. ROBERTS. Mr. Speaker, if you will turn to page 5 of the report, third or fourth paragraph from the top of the bill, you will see what I believe is sufficient justification for this legislation. It simply means that with the expiration of this act at the end of the present month these schools will not be able to carry the burden that they are carrying at the present time.

Some may argue we should have taken a different approach. May I say that we held extensive hearings, we explored the possibilities of some medical construction money this year, but we simply have not been able to get off the ground. I think this is an approach that the gentleman from Pennsylvania [Mr. RHODES] was not in favor of. He felt the schools should have construction money. But that is all we can do at the present time.

I think it is vital that these fine programs in engineering and public health nursing and in the medical part of this work be continued. Unless you pass this bill today, as chairman of the subcommittee I see no way that the program can be carried on by these institutions.

Mr. Speaker, I would like to pay special tribute to the gentleman from Pennsylvania who has been so diligent in trying to get this legislation reported. As you know, we are very close to adjournment. It is my hope that the House will go along and adopt this legislation.

Mr. YOUNGER. Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Speaker, no one likes to oppose legislation with such a desirable objective as this any more than anyone likes to oppose passage of the bill we have just acted upon, no matter how unnecessary the bill is. One's opposition can be distorted to make some perhaps believe that one is against such good things as home and mother and country and in favor of such evil things as cancer, disease, ignorance, and so on. Nevertheless, there are principles involved in these instances which I feel under obligation to point out even though I realize in advance that my efforts will probably not be successful today.

Mr. Speaker, I am strongly in favor of every single one of the purposes declared in these bills. The question is not as to the need for assistance in these fields; the question is how the aid is to be given in order to accomplish the desired results without accompanying harm or danger.

Undeniably there is great need for more adequate training of more people in public health, and related fields. There is great need for enlarged facilities to give a larger number of persons specialized training in public health. As the gentleman from Alabama has said, there are only 11 accredited schools in the United States which provide such training. Five are public schools. One is the University of Minnesota in my own city and I do not enjoy talking against what may appear to be the best interests of that school, at least in the short run.

I favor Federal assistance to help meet the great need to provide better training for more people in public health, if we will do it the right way.

I favored the original Rhodes bill, H.R. 6871. I think I introduced one identical to it. Let me review just what that bill did. In the first place, it provided grants in aid to cover the cost of traineeships for graduate or specialized training in public health. The traineeship grants would go to the individual students or to the public health schools for their tuition and fees. It would not be outright grants to the schools that could be used for everything from paying the janitor up to salaries for the professors. Second, the bill authorized grants-in-aid for provision of comprehensive professional public health training in schools of public health. Third, the original bill also provided grants-in-aid for construction of training facilities at public health schools. This is needed and I am in favor of it. In fact, it authorized a good deal more, $5 million, for this one purpose than this amended bill before us authorizes in toto. The bill before us authorizes $2 million a year, and the original bill provided a much larger amount. To me there is a profound difference between nonrecurring grants for construction of facilities on the one hand, and annually recurring subsidies for the operation of those facilities, on the other. No control goes with the first; when the facilities are built, whether it be a public health building or a hospital or a medical school building or any other kind of public schoolbuilding, or a bridge, or a highway, or an airport, the Federal Government is out of it, and the local community can use its own funds to operate the facilities.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Alabama.

Mr. ROBERTS. I know the gentleman would not like to leave an error in the RECORD. The earmarked funds are only $1 million a year, not, as the gentleman said, a much greater amount, and in the first section, project grants, $2 million for 5 years. The other section earmarked for grants-in-aid to these schools is $1 million.

Mr. JUDD. That is correct. I was in error in referring only to the project grants.

Mr. ROBERTS. Eleven schools divide up $1 million.

Mr. JUDD. Yes. On the other hand, the original bill provided more money, up to $5 million, for the one purpose of grants for construction of training facilities. I am in favor of that. My chief concern here is not the amount of money for this purpose—I favor the larger amount—it is the difference between making grants to construct facilities and making grants to schools, that they can use for their operation, grants that they can use for almost everything under the sun. When the Federal Government starts doing that, we have Federal aid to education with a vengeance.

The original Rhodes bill also authorized grants-in-aid for providing health training for nurses in accredited institutions. It also provided grants to States to assist them, following our historic, traditional pattern of Federal-State cooperation, in training personnel for State and local public health work.

All these things the original bill would do. I favored that. But, the committee struck all that out and, as you will read on pages 12 and 13, inserted language which would "enable the Surgeon General to make project grants to schools of public health and to those schools of nursing or engineering which provide graduate or specialized training in public health for nurses or engineers, for the purpose of strengthening or expanding graduate public health training in such schools."

Now what are some of these project grants?

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield to the gentleman.

Mr. ROBERTS. I get the impression from what the gentleman has said that he thinks the projects grants program is new. I am sure the gentleman must know that since 1948 NIH has been making grants in the field of heart disease, mental health and some others. So it is not any new approach.

Mr. JUDD. Yes; but I think there has been nothing as broad or as direct to schools as the language of the amendment and the letter from the Secretary of HEW, as set out on page 4 of the committee report, indicates these will be used for. The committee apparently asked for illustrations of the kind of project grants that would be proper under this legislation, if enacted. The Secretary wrote back a letter giving twenty-some illustrations in four categories. One, for instance, would be project grants for "curriculum improvement and enrichment."

Another for strengthening of basic training in public health administration. He says:

> We anticipate project applications which would incorporate into public health administration courses, training related to metropolitan health problems.

Now look at this next one, "interrelationships between health departments and the increasing array of voluntary and governmental agencies whose functions are related to public health."

The purpose of that would apparently be to study how to train people to coordinate the Cancer Society, the Mental Health Society, the Polio Society, the Red Cross, along with all of the increasing and expanding governmental agencies and operations, "use of behavioral sciences to improve administrative skills," whatever that is, and "the management of funds, personnel, and services in complex governmental agencies."

Under this, the bill would authorize project grants for the setting up of complex governmental programs and then also, most considerately, provide courses to train persons to manage the complex programs and agencies.

This, Mr. Speaker, seems to me such a broad extension of power and grant of funds to schools in the wrong way that I cannot ignore my conscience and permit the bill to go by without at least calling attention to what is being done.

Perhaps the most far reaching of the categories of project grants which the Secretary of HEW lists is:

> We expect that a substantial number of project applications will be directed to increasing the faculty and supporting staff for courses currently being conducted in order to permit schools to admit a larger number of students.

In other words, the letter frankly states that these grants are to be used to take over paying of the salaries of additional members of the school faculties. It also covers the supporting staff, which can mean everyone and everybody employed or to be employed in these public health schools. I am sure that some in each of the schools, including my own university, want some of this money. But they do not realize they may be putting their neck into a noose which will mean the loss of their genuine freedom as they have always had it.

So I cannot support this bill, with whose objectives I am in 100 percent accord. I have spent most of my life in this health field. Nobody in this House can claim to have demonstrated more interest in public health or in health research than I, and especially in the international field. But when a bill makes a grant of authority that is so much broader than is necessary, or when one authorizes Federal grants to schools, which amount to annually recurring subsidies for the payment of the faculties of those schools, I have to raise my voice in protest.

Mr. Speaker, I hope this bill will be defeated today, that it will be returned to the committee and be brought back to us in something more like its original form which provides more money but avoids the dangers which I think, however unintentionally, the modified bill does contain. Or, the present bill can be brought before us again under a rule so that we can debate it fully and amend it in the House.

Mr. HARRIS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RHODES].

Mr. RHODES of Pennsylvania. Mr. Speaker, I rise in support of H.R. 6871, legislation designed to assist in meeting the growing shortages of trained public health personnel so desperately needed in all parts of the country.

The bill is cosponsored in the Senate by the distinguished gentleman from Alabama [Mr. HILL], who has done more than any single individual to advance the cause of public health in the Congress and by the distinguished senior Senator from Michigan [Mr. MCNAMARA]. It is cosponsored in the House by the distinguished chairman of the Health and Safety Subcommittee, the gentleman from Alabama [Mr. ROBERTS], by the gentleman from California [Mr. COHELAN], the gentleman from Pennsylvania [Mr. MOORHEAD], the gentleman from Massachusetts [Mr. MACDONALD], and the gentleman from Connecticut [Mr. GIAIMO].

The basis for this legislation was developed out of the experience obtained under Public Law 85–544, which would be extended by section 2 of this bill. It is presently due to expire on June 30 of this year. Public Law 85–544—the Hill-Rhodes Act—formally recognized the responsibility of the Federal Government in helping State and private institutions who provide specialized public health training for agencies of the National Government as well as for State and local governments.

As was pointed out during the debate on the original 2-year emergency legislation in the last Congress, well over half of the students trained by the 11 schools of public health are sent to the training. Almost all graduates of such institutions by some branch of the Federal Government to receive advanced schools are subsequently engaged in some form of public health work at some level of government.

The schools of public health are located at the Universities of Minnesota, North Carolina, California, Michigan, Puerto Rico, Johns Hopkins, Harvard, Columbia, Tulane, Pittsburgh, and Yale. As is shown on page 16 of the committee report, these schools are still incurring an annual deficit of $3.3 million in training all Government-sponsored students and $2.4 million in training students sent by Federal agencies.

Federal funds appropriated under Public Law 85–544 during fiscal 1959 and 1960 have been used to good advantage in improving public health training at these schools. This has been stated in testimony by Public Health Service witnesses before the Appropriations Subcommittee headed by the distinguished gentleman from Rhode Island [Mr. FOGARTY].

Mr. Speaker, I ask unanimous consent to include at this point in the RECORD a summary prepared by these schools of public health at the request of Surgeon General Burney showing how Federal funds have been used during the 2 years of operation under Public Law 85–544.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The summary referred to is as follows:

WHAT HAVE THE HILL-RHODES FUNDS BOUGHT IN THE SCHOOLS OF PUBLIC HEALTH?

At the request of Dr. Leroy Burney, Surgeon General of the U.S. Public Health Service, each of the deans of the schools of public health reported in March 1960 on how funds available under the Hill-Rhodes Act were being used.

Each of the schools expressed tremendous gratitude for the funds which have been made available, and stated that these funds have been invaluable in helping to meet really great needs. The report from the dean of one State school of public health said:

"For the past 2 years our general support funds from the State legislature have been restricted, and this has prevented desirable development of essential teaching programs to keep pace with pressing problems of public health. The availability of Hill-Rhodes Act funds has made it possible for us to meet a number of priority problems."

The deans' reports (all but two were available at the time this summary was prepared) are summarized under three major headings:

1. Teaching strengthened and expanded by addition of full-time faculty members.
2. Other aid to teaching programs.
3. Need for continuing support.

1. TEACHING STRENGTHENED AND EXPANDED

Faculty members, largely full time, were added in the various fields listed below and by the schools indicated in the list. In those reports which showed percentages of funds available which were devoted to this purpose, the percentage runs 50–66 percent. Undoubtedly, even more would have been spent for this purpose had not the time within which funds are available been so short. (See quotations from reports of the various schools substantiating this point.)

Chronic disease control: Michigan.

Occupational health: Michigan, Minnesota.

Epidemiology: Michigan.

Environmental health: Michigan, Minnesota, North Carolina, California, Puerto Rico.

Public health administration: North Carolina, California, Harvard, Puerto Rico.

Medical care administration: Minnesota, Harvard, Michigan.

Statistics: California, Michigan, Minnesota.

Laboratory practice (public health): Michigan.

Public health nursing: Minnesota.

Social science: California.

Parasitology: North Carolina.

2. OTHER AID TO TEACHING PROGRAMS

Recognizing the great difficulty of employing high-caliber, full-time faculty for a short term, most of the schools have used part of their funds for other purposes essential to teaching:

Library services: California, Michigan, Harvard, North Carolina.

Teaching equipment purchased: Tulane, Puerto Rico, Michigan, North Carolina, Yale, Harvard, California.

Extension of teaching space available by rental or rehabilitation: Tulane, Puerto Rico.

Collaboration with State health departments: Tulane, Harvard.

Intensive curriculum study: California.

Secretarial help to relieve faculty: Harvard, Yale, Tulane, California. Salary increases where urgently needed.

Continued education programs:

Michigan.

Minnesota: Nursing programs for Iowa, South Dakota, Nebraska, Kansas, Missouri (500 persons).

Columbia.

North Carolina (600 persons).

California: Cooperative program with western branch of the APHA.

Faculty travel to scientific meetings and for field supervision; guest lecturers; part-time field supervisors, etc., were mechanisms used more or less generally.

3. NEED FOR CONTINUING SUPPORT

Each of the deans reported that if high quality teachers are to be employed, it is absolutely essential to give them reasonable assurance that the position they are asked to fill in the school will last for a time sufficiently long to make it worth their while to give up their present positions. There simply are not unemployed people waiting to be hired in this field. Those whom the schools want already have good positions and they cannot be expected to give them up for a very temporary job in a school of public health, especially when they will probably have to expect a lower salary in the school than the one they are already receiving elsewhere.

Quotations from the deans' reports are as follows:

California: "Because of the brevity of assured support, only temporary appointments could be made at junior levels. However, the benefits have been notable. Greater use of sections and seminars has been possible as well as provision of new courses, such as that in consultation in public health administration.

"We shall be returning some $30,000, or one-quarter of our 1959–60 allotment * * * because the time limitations of the Hill-Rhodes Act do not permit us to develop programs for new areas of needed academic instruction. However, long-term support would enable us to do so. This continuity also is essential for our new program in continuing education so critically needed for keeping up to date those already academically prepared for public health. * * *

"The assistance and support rendered by our colleagues of your staff, both in the regional offices and in Washington, have been invaluable. Never has there been any intimation of interference with academic integrity, but only fullest cooperation and collaboration. This is in the highest tradition of the U.S. Public Health Service and of public health of the United States of America."

Columbia: "We badly need more faculty because we have more students than at any time in the history of the school. This class size is directly related to the various Federal training programs. We are overexpending our endowment income. We cannot recruit senior faculty, nor do we wish to subsist on short-term grants, or so-called soft money. Therefore, we are restricting our admissions until some continuing relief is in sight."

Harvard: "Unfortunately, it was not possible to carry out our intention to use Hill-Rhodes funds for the appointment of an associate professor of public health nursing to fill a position that has been vacant for 3 years for lack of salary funds. The school's resources were too limited to permit us to guarantee salary funds beyond the current fiscal year and qualified persons of the caliber required for this position need to have more assurance than that for the continuance of their teaching and research work."

Michigan: "Continuing support on an expanded basis and with minimum assurance of 3 to 5 years' duration is essential to recruitment and retention of qualified staff members and to lend essential stability to teaching resources and programs.

"The most serious disadvantage has proved to be the limited duration of the funds. This has seriously hampered our efforts in the recruitment of personnel, since stability of support could not be assured."

Minnesota: "Unfortunately, we cannot get the quality of personnel we need unless there is some prospect of continuation of funds beyond a single year" * * * "we cannot release university funds for this purpose by transferring junior staff to this basis without denying junior staff their existing fringe benefits under university rules."

Tulane: "One important area has not been met due to the uncertainty of continuation of these funds, namely, the very urgent need to provide additional fulltime faculty."

Yale: "We, at Yale, are extremely appreciative of the contributions to our program that have been made possible by Hill-Rhodes Act funds. However, the major contribution to our teaching that we had hoped these funds would make possible did not materialize. * * * We had proposed to add to our staff three full-time teachers, one in behavioral science, one in maternal and child health, and one in biostatistics, and a half-time person in nutrition * * * we found it impossible to recruit a new staff, inasmuch as we could not offer prospective candidates more than a 1-year appointment."

Mr. RHODES of Pennsylvania. Mr. Speaker, H.R. 6871 would also authorize a 5-year project grant program recommended to our subcommittee by Secretary Flemming of the Department of Health, Education, and Welfare. This program would enable the Surgeon General to make project grants to schools of nursing or engineering and to schools of public health which provide graduate or specialized training in public health for nurses, engineers, and other public health specialists.

It would provide the means for specific types of training courses in many of the new fields of public health in which there are dangerous shortages of qualified personnel. A partial listing of such fields is noted on page 3 of the report. They include occupational and industrial health, radiological health, maternal and child health, accident prevention, public health nursing, air pollution, water pollution, chronic diseases, diseases of the aged, nutrition, animal diseases important to many, and many more.

Frankly, Mr. Speaker, like most legislation coming before the House, this is a compromise between the broad approach provided in H.R. 6871 as originally introduced, and the views of the administration. The original bill was based on the specific recommendations of the National Conference on Public Health Training, held in July 1958, as required by the provisions of Public Law 84–911. These public health experts, appointed to attend the Conference by Surgeon General Burney, had recommended that the annual $1 million grant authorization under Public Law 85–544 be increased to $6 million; that funds be provided for construction of needed facilities for public health training; than an annual $1 million be authorized for public health nurse training; and that $3 million a year be provided for grants-in-aid to States for use by the States and their political subdivisions in training of personnel for State and local public health work.

When it became clear that the Bureau of the Budget would not approve the original provisions of H.R. 6871, despite the fact that they implemented recommendations of the administration's own training conference, efforts were made to find an area of agreement. I regret that the construction features of the bill were eliminated, and that the grants to States for public health training were also stricken. Even the recommendations for expanding the present law were dropped in subcommittee. However, the administration's "project grant" recommendations will in part meet the public health nurse training needs and also assist schools of engineering and public health in their important training programs.

This compromise was acceptable only because I am convinced that if the present program were to expire on June 30, it would have disastrous and far-reaching consequences on the public health of the entire Nation.

This is recognized by organizations who supported the original bill in testimony before our subcommittee. For example, the Association of State and Territorial Health Officers has endorsed this compromise version despite their disappointment over the elimination of the grants to States section of the original bill. The measure is also endorsed in its present form by the American Public Health Association, the Association of Schools of Public Health, and other nationally known organizations. I trust that the next Congress will carefully review the entire problem of the State health authorities in providing in-service type of training courses in public health and enact legislation to earmark grants for this purpose.

Mr. Speaker, if this legislation is enacted into law, it will be necessary to provide funds in a supplemental appropriation bill before this session adjourns. Otherwise, the present program will be interrupted during the crucial period in which the institutions must contract for the necessary academic personnel for the 1960–61 year. It may be that these funds will have to be added in the Senate since the House may have completed action on the supplemental bill before companion legislation to H.R. 6871 is acted on by the Senate. I trust that our colleagues on the Appropriations Committee who serve as conferees on the supplemental bill will

accept the Senate amendment if adopted to provide funds for the programs authorized in this bill.

I commend the distinguished chairman of our committee, the gentleman from Arkansas [Mr. HARRIS], and the able chairman of the Health and Safety Subcommittee [Mr. ROBERTS], for their diligent efforts in securing action on this important legislation, so important to the long-range health and well-being of the American public.

Mr. Speaker, I trust that H.R. 6871 will be approved by the House.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. RHODES of Pennsylvania. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. I should like to compliment the gentleman on the work he has done on this legislation. Perhaps my attitude toward this legislation is different from that of other members of the committee who have spoken in that I am unalterably opposed to the principle of Federal aid to education. However, as the gentleman knows, we served together on the Health and Science Subcommittee in the last Congress when this program was first before the Congress. It was then that I learned that there was a dire shortage of qualified public health personnel, and that the schools of public health are, in effect, subsidizing the persons who are in training for Government positions with the Public Health Service—at the Federal level, the State level, and the municipal level. I consider this not aid to schools of public health quite so much as I consider it the assumption of an obligation on the part of the Government to pay its own way. I divorce this particular piece of legislation from Federal aid to education on that basis. In my opinion, speaking as one who does not believe in Federal aid to education; nevertheless it is my opinion that this is good and desirable legislation and certainly a proper function of the U.S. Government under the circumstances.

Mr. RHODES of Pennsylvania. I thank the gentleman from Mississippi. I feel that he more than anyone else had much to do with the success of this program's being enacted in the last Congress.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. RHODES of Pennsylvania. I yield to the gentleman from West Virginia.

Mr. BAILEY. I asked the gentleman to yield for the purpose of asking the distinguished gentleman from Mississippi if he ever voted for Public Laws 815 and 874.

Mr. WILLIAMS. I could not tell the gentleman to save my neck whether I voted for those public laws or any other public law identified simply by its number. My memory is not that good.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. RHODES of Pennsylvania. I yield to the gentleman from Minnesota.

Mr. JUDD. Would the gentleman from Pennsylvania tell us whether he prefers his original bill, H.R. 6871, over the amended bill, reported out by the committee?

Mr. RHODES of Pennsylvania. Yes; I agree fully with the gentleman that the bill originally introduced was a better bill.

Mr. JUDD. Why then do we not defeat this amended bill brought to us under suspension of the rules and bring the bill under an open rule? We can then amend it along the line of the gentleman's original bill, which I thoroughly approve.

Mr. RHODES of Pennsylvania. Because we do not have time. The defeat of this bill today means that the public health training program would be killed on June 30th. I would think that if the gentleman from Minnesota is in favor of the program, he ought to support this bill.

Mr. JUDD. I cannot support giving the patient the wrong medicine just because the patient needs the right medicine.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. RHODES of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Speaker, I would like to commend my colleague, the gentleman from Pennsylvania for his excellent work in this very, very important field. As the gentleman knows, I joined with him in introducing a bill identical to his original bill on this subject. I also joined with him in testifying before the subcommittee. I know from the experience of the School of Public Health of the University of Pittsburgh, located in my district, how important this work is and how it should be continued and expanded.

Mr. Speaker, the University of Pittsburgh's Graduate School of Public Health is one of the newest and best of the 11 such schools in the country which would benefit from this legislation.

During the past 8 years the school has trained 356 graduate students from 32 States and 32 countries.

Only 25 percent of these graduates are now working in Pennsylvania. Three-quarters of the benefit of the expenditures by Pennsylvanians for this public health education is exported to other States and other countries.

These expenditures are large. It costs a great amount of money to train personnel properly for public health service.

The ratio of professors to students in public health schools is higher than in almost any other field of education. Public health personnel must be taught by experts in narrow fields of specialty.

The average cost of educating one public health student per year for all schools in the United States is $5,200, whereas the average revenues per student per year from tuition, fees, and so forth, is $1,000.

For all public health schools in the United States there is an average deficit per year per student of $4,200 which must be made up from private endowment or local taxes.

Because the benefits from these schools are national and international in scope, it is proper that the Federal Government give them financial assistance.

Today public health involves man's search for the real truth about the danger of radioactive fallout, his efforts to rehabilitate the physically handicapped and his fight against air and stream pollution, against heart disease, cancer, mental illness, and polio.

Modern science has given man the key to progress against many of these problems. How well he uses this key will now depend on providing the money and facilities necessary to train the public health worker in medicine and allied fields. Furthermore, public health workers can often and often have become America's most effective ambassadors to the underdeveloped areas of the world.

I urge the House to suspend the rules and pass H.R. 6871.

Mr. YOUNGER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Speaker, as ranking minority member of this subcommittee, and having heard all of the testimony in the rather extensive hearings we held on this subject, I am in full accord with the purposes of this bill and urge its adoption.

Mr. Speaker, H.R. 6871 has two principal provisions: First, to authorize for 5 years a new program of project grants not to exceed a total of $2 million annually to schools of public health and to those schools of nursing and engineering which provide graduate or specialized training in public health; and second, to extend without time limit the present authority of the Surgeon General—section 314(c), Public Health Service Act—to make grants-in-aid totaling not to exceed $1 million annually to schools of public health.

PROJECT GRANTS

The basic purpose of the program of project grants is to strengthen and expand the graduate and specialized public health training provided by schools of public health, nursing, and engineering so that training of the highest quality can be provided to a greater number of students. The three types of schools that would be eligible for project grants supply the vast majority of the graduate and specialized training needed for staffing public health agencies. The committee is convinced that there is an urgent need to strengthen and expand this training and that the proposed program of project grants would provide an effective means of achieving this goal.

The report on this legislation points out, on page 2, that the committee is also convinced of the great need for training additional professional public health personnel and that it became impressed with the serious character of the financial problems confronting the schools which provide such training.

The scarcity of adequately trained personnel was reflected by a 1958 survey that showed, first, more than 20,000 professional public health workers were employed by public health agencies (Federal, State, and local governments and voluntary agencies) who have not had

the public health training they need to prepare them to discharge the responsibilities held by them; second, more than 2,500 positions remained vacant in these agencies because of the lack of trained workers to fill them; and, third, by 1964, 6,000 more professional workers will be needed to provide the increased services demanded by our rapidly expanding population and for new and emerging health problems.

During the course of these and other hearings the committee also concluded that this lack of trained personnel is seriously impeding the effectiveness of public health programs which are of great importance to the health and well-being of the American people and the economy of the Nation.

The Honorable Arthur S. Flemming, Secretary of Health, Education, and Welfare, pointed out to the committee that the new program of project grants, which was originally recommended by him, would stimulate the improvement and enrichment of curriculums in the eligible schools in order to meet changing and emerging health problems, strengthen basic programs in public health administration, develop and demonstrate improved training methods and procedures, and enlarge faculties and supporting staff to provide for increased enrollments.

In the area of curriculum enrichment, for example, the Department anticipates approval of project applications which would provide for new and improved courses in chronic disease control, health problems of the aging, home nursing services, accident prevention, behavioral science in relation to preventive health services, radiological health services, and air pollution control.

GRANTS-IN-AID TO SCHOOLS OF PUBLIC HEALTH

In 1958, the Congress recognized by enactment of Public Law 85–544 the financial plight of the 11 schools of public health. Testimony on H.R. 6871 confirmed that this situation remains serious. These schools train a large proportion of the professional workers who staff the public health programs which are conducted by the official and voluntary agencies of this country. More than 90 percent of their graduates enter employment in a governmental or voluntary health agency. They constitute almost the sole source of training for several public health disciplines.

At present, more than 70 percent of all students enrolled in these schools are sponsored by Federal, State, or local governments or by the World Health Organization—more than 55 percent are sponsored by the Federal Government. Since enactment of Public Law 85–544, the total of all governmentally sponsored students has increased from 717 to 842, and the number sponsored by the Federal Government has increased from 533 students to 652 students.

Tuition continues to support only a small fraction of the teaching cost so that in the current academic year these schools have a deficit of $3,653,080 resulting from federally sponsored students alone. This compares with a similar deficit of $3,127,000 in 1957–58. The program of grants-in-aid authorized by Public Law 85–544 which recognized the responsibility of the Federal Government for assuming a portion of this teaching cost deficit—up to $1 million a year—will terminate on June 30, 1960, in the absence of congressional action. A principal reason for placing a 2-year limitation on this legislation was to permit consideration of any pertinent recommendations of the National Conference on Public Health Training which was to be held later in 1958. This Conference strongly recommended, among other things, that this program be continued and that support should be in sufficient amount to insure meeting the current and expanding needs of the schools.

Because of these facts and others given in greater detail in the committee report, the bill includes the provision authorizing continuation of grants-in-aid, not to exceed $1 million annually, to schools of public health without any time limitation.

This legislation is urgently needed. It should be enacted promptly so that eligible schools can use the project grant funds effectively during the 1960–61 academic year and schools of public health can continue to fulfill their important national and international role of training professional public health personnel, without terminating faculty appointments and important activities instituted under Public Law 85–544.

Mr. YOUNGER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Speaker, I should like to ask the gentleman from California or the gentleman from Alabama a question. So far as I can see, only the reports on the Rhodes bill, as originally introduced, are here. Do you have reports from the various agencies on the bill, as amended? That is, on the bill that is now before us under suspension of the rules?

Mr. ROBERTS. I will say to the gentleman that the Secretary of Health, Education and Welfare vociferously opposed any construction aid money. This was the best we could do. The Bureau of the Budget approved this approach and they would not have approved, in my opinion, any construction money. This is the best we can do at this time.

Mr. JUDD. Then you do not have any reports from the interested agencies on the bill that is before us today?

Mr. ROBERTS. This is the testimony given by the Secretary at the hearings.

Mr. JUDD. Did he favor this?

Mr. ROBERTS. He favored this approach. He would not favor any construction.

Mr. JUDD. Is the original section 805 authorizing grants for construction of facilities the only one he opposed?

Mr. ROBERTS. He disapproves the total bill, if I remember correctly. This bill was the administration's program, and then we brought it out.

Mr. JUDD. I regret that we have no opportunity to amend the language so as to make the method of granting aid correspond to section 2 of the committee amendment, language I myself suggested in the 1958 act to "authorize the Surgeon General to make certain grants-in-aid for provision in public or nonprofit accredited schools of public health of training and services in the fields of public health" etc. That is the right way to do it, rather than to make grants directly to schools.

The SPEAKER. The time of the gentleman from Minnesota [Mr. JUDD] has expired.

Mr. ROBERTS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Speaker, the gentleman from Pennsylvania [Mr. RHODES] is to be commended for his authorship of this bill, H.R. 6871, and even more for his constant and unwavering concern with public health needs which has resulted in previous legislation as well as the measure before us today.

I regard it as an honor to be able to associate myself with his remarks and to have been able to introduce a companion to his original bill.

It seems to me that it is particularly urgent that we realize that public health training grants provided would be aimed directly and in a practical way at such new and alarming problems as radioactivity, air pollution and water pollution, as well as other continuing public health jobs. The 5-year program of project grants would enable schools of public health, nursing, and engineering to set up new courses of training to prepare experts to assume the responsibility for these problems.

Patently, when Congress is demonstrating concern with air pollution, water pollution, disposal of atomic wastes, and other similar problems in other specific legislation, this public health training bill must certainly be recognized as complementary and of equal significance.

Along with this, we cannot fail to face the need for strengthening and expanding public health agency staffs to continue work on the vast community health problems aggravated and complicated by the mass movement to the city. This means retraining of more than 20,000 professional public health workers and providing at least 6,000 new public health specialists in the next few years, as the committee has noted on page 3 of its report.

Because the Seventh Congressional District of California which I represent is the home of the University of California School of Public Health—the only such school west of the Mississippi River—I am acutely conscious of another point which is primary to any consideration of this bill, namely, that this kind of Federal assistance is called for because these schools are providing a Federal service.

The Nation's 11 schools of public health which are, for practical purposes, the single source of graduate public health training staff the Nation's local, State, Federal, voluntary, industrial, and other public health agencies, as well as international agencies such as the World Health Organization. With this being the case, these schools cannot—and cannot be expected to—finance educational

facilities out of local revenues. As a matter of fact, experience shows the vital need for the grants provided in this legislation, for without such assistance public health training programs will lag, thus creating a continually more difficult problem.

I urge full support for the measure.

Mr. YOUNGER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. NELSEN].

Mr. NELSEN. Mr. Speaker, I happen to be on the subcommittee that held hearings relative to this piece of legislation. Frankly, I think in this area there are things that ought to be done. I regret that my colleague from Minnesota finds himself in the position where he can offer no amendment, although he has some that I believe have merit, and I have been wondering whether there is any possible way under the rules we are operating in which his point of view could be given some consideration.

I would like to suggest that in conference the suggestions that Dr. JUDD made be given consideration.

Mr. YOUNGER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, one of the proponents of the bill a few moments ago talked about a shortage of Public Health personnel. I doubt there is a shortage, because I note under project grants on page 3 of the report it lists nutrition as one of the subjects for study, and I know there are now Public Health people touring the world studying the nutritional needs of various countries. I assume there are doctors in every country in the world, and I assume it is not at all difficult for those doctors to ascertain the nutritional needs of their people. I would think it would be simple for the U.S. Public Health Service to obtain, through the use of stamps and letters, all facts needed on the nutritional needs of all countries of the world, instead of spending hundreds of thousands of dollars.

I wonder what we are going to do after we find out what the nutritional needs of the world may be? As the gentleman from Minnesota [Mr. JUDD] has said, and I agree with him, this bill provides Federal aid to education with a vengeance. In section 308, this becomes a $10 million bill. In section 2 on page 13 it provides for spending $1 million a year in perpetuity. Mr. Speaker, I cannot support this bill.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. YOUNGER. Mr. Speaker, I yield such time as he may desire to the gentleman from Michigan [Mr. BENNETT].

Mr. BENNETT of Michigan. Mr. Speaker, I support this legislation. I hope the House will adopt it.

Mr. YOUNGER. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

"CHOOSE YOU THIS DAY WHOM YE WILL SERVE"

Mr. HOFFMAN of Michigan. Elected to serve our people will we serve all of them or yield to the demand of a pressure group which is interested primarily in the income of its members? Will we follow our President and his advisers or yield to the unfair inequitable demands of the Federal employees? Mr. Speaker, I have been reading the papers again, and note that Mr. Doherty who represents Federal employees threatens to bring his pressure group to fill the gallery and our offices to Washington to intimidate us—force us through fear of defeat in November to override a veto of the pay bill should the President veto it. The Federal employees should exercise their constitutional right to petition the Congress—it has not happened yet—to override the veto which they say the President will send down on the so-called postal pay bill.

That is good news for it is always well to know our people are interested in legislation. We have had groups of very distinguished citizens here from almost all over the country first on one thing and then on another. First from one place, then from another. While I am strong for the exercise of the right of petition, and while these gentlemen will be within their rights in sitting in the House galleries and in coming to our offices and while it is our duty to listen, it is a little—I do not know just how to express it—but it is a little unpleasant and smacks of coercion to sit in force there above us while we stand down here on the floor and have them up there back of the clock in force, and then outside on the street, and then in our offices telling us we will not be back unless we meet their desires. The paper says Mr. Doherty is intending to bring down several hundred employees and they are going to come into our offices and tell us how to vote. That is all right if they just express an opinion, but what worries me—I do not know whether it worries any other Member of the House or not—is the statement that if we do not vote the way they wanted us to vote—if a veto comes up—we are not going to come back. Are they making a threat or offering a bribe—to defeat all of us who do not comply or are they offering the bribe of their support if we do? Which is it—one or the other? For we now know their wishes.

Are we to write and enact legislation which is sound and equitable or legislation which gives members of a group an advantage over other workers? Compared with other employees they have a comparable wage—they have job security that we and many others do not have—they have retirement. They never miss a payday.

I want to come back to Washington. I told my people about it and I am going to tell them from now on until the November elections of my ambition. I did not need to tell them in the primary because I do not have opposition in the primary. The gentleman of the opposite party who opposed me a couple of years ago has gone over to Mr. JOHANSEN's district, the third, and is going to run against him. I do not know where he will go if he is defeated over there, as he probably will be.

Mr. Speaker, I intend to put in the RECORD today a statement showing what the postal bill will cost, then more important than that, it will demonstrate the fact that the postal employees—that has long been denied—are getting more money than employees in industry. I had understood from what they had written me and told me that they could not live on what they were getting. Of course, no one wants to hold a job where he cannot make both ends meet. If the job does not pay an adequate wage why always so many applicants?

How much intimidation will we stand for? What will we tell them when they come in? When they came to my office, I told some of them if they intended to resign and if they had a job in view I would give them an endorsement to their prospective employer to help them get a job, but not one of them has taken advantage of that offer to help them get another job if that was their objective.

Here is something that bothers me. In rural districts I have 4 or 5, sometimes 10 people, who with their friends write in and want a job as carrier or clerk. I do not like to endorse applicants and work in their behalf to get a job where they cannot make a living or where the wife must work to aid in the family support.

I hope the Members will have time to look over the statement I will put in the RECORD showing that the postal workers are better paid than we have been led to believe. In addition to that, as we all know, as has just been said, they have job security. Look how much better off they are than Members of the House. Every one of us has to go out and beg and cry around to get elected. Yes, and pay a sizable sum in advertising. These gentlemen, and ladies—some of them at least—we have rural carriers who are women, are a lot better off than other employees. You cannot fire them, and after a time they get, as do we, retirement. Nor do they get the privilege of franking out their statements as we do and which they deliver so promptly. Permit a repetition. They are intelligent. They know what the job pays. They insist on being selected. It seems a little unfair to threaten us with defeat or offer us support if we do not follow the orders of their boss. Personally I am inclined to do just a little more for the individual who asks than for the one who without reason orders me around.

To the voter and to the taxpayer I say read the following statement and judge then whether you will serve your people or the members of one group whose officers have so little faith in your judgment they sit over you and let you know they are watching you.

Here is a comparison of the wages of Federal employees and of other employees:

AN ANALYSIS OF H.R. 9883

H.R. 9883, the bill recently rushed through both Houses of the Congress without the opportunity for careful deliberation and analysis and under the erroneous label of a 7½ percent pay increase measure.

This bill provides an average 8.35 percent pay raise for 550,000 postal workers, effective

July 1, 1960, at an annual cost of $248 million.

It will raise the hiring rate for postal clerks and letter carrier from $2 to $2.15½ an hour, it will raise the average hourly pay rate of regular clerks and carriers from $2.31½ to $2.49½ (18 cents an hour), and it will raise the maximum hourly rate of clerks and carriers by 21 cents, from $2.49 to $2.70.

By contrast, 12½ million factory production workers in this Nation receive an average straight-time pay rate of $2.22 an hour, or nearly 10 cents an hour less than the present average hourly pay of post office clerks and letter carriers.

How does this 15½–21 cents an hour immediate increase for postal workers compare in size with recent industrial wage settlements?

Within the last few weeks a 4 percent pay increase was awarded to railroad engineers in a binding award of a six-man arbitration panel. This award will add an average 11.3 cents an hour in two steps over a 17-month period.

A Presidential emergency board in the wage dispute between railroads and some 600,000 off-train workers has just recommended a 5-cent per hour pay increase effective this July 1, and some fringe concessions in lieu of an increase in 1961.

The steel agreement provided for wage rate increases averaging 9.4 cents per hour effective next December 1, and 8.6 cents per hour on October 1, 1961, in addition to liberalized insurance benefits. The only increase in take-home pay prior to next December 1 has amounted to about 6½ cents an hour, representing employee contributions for insurance now assumed by the companies.

The January 1960 Economic Report of the President states that the average wage increase in 1959 was about 9 cents an hour.

The Bureau of National Affairs reports that the median increase granted in all industries during the first quarter of 1960 was 8.2 cents an hour. Settlements for the communications industry were at 4.3 cents an hour.

It is obvious, therefore, that the increases provided postal workers in H.R. 9883 are not only unjustified in relation to the present pay rates of millions of production workers in this country, but also wholly out of line with the size of the increases currently being granted in industry.

In addition, H.R. 9883 would apply these increases with the utmost inequity, in flagrant violation of the principle of equal pay for equal work, higher pay for the more responsible work—a principle which constitutes the cornerstone of the Postal Field Service Compensation Act of 1955. While the supervisory and managerial employees would receive increases of 7½ percent, employees in the upper steps of the lower salary levels (mail handlers, clerks, carriers, etc.), occupying the less responsible jobs, would receive increases ranging from 8.4 percent to 8.8 percent.

Apart from the basic inequity of such a wage distribution, this produces a most dangerous compression in percentage difference between salary level 6 and salary level 7, the first level of supervision. The present difference between the top steps of those levels is only 8.29 percent whereas the corresponding differential in industry is generally about 10 percent. H.R. 9883 would reduce this already narrow differential to 7.55 percent. Obviously, the incentive for advancement would be materially reduced.

In view of this bill's wholly unjustified discrimination in pay treatment among postal employees, and its complete lack of merit in relation to industry wages and wage settlements, it is evident that this expenditure of $248 million a year in public funds for the Post Office Department alone represents the height of fiscal irresponsibility. Added to the already anticipated postal deficit of $603 million for fiscal 1961, it will produce a deficit of more than $850 million to be borne by the taxpayers of this country, many millions of whom would consider themselves fortunate to receive the postal worker's present base pay, fringe benefits, and continuity of employment.

"Choose you this day"—if and when a veto comes up—

"Whom ye will serve," all of our people or just Federal employees—whom you pay?

Mr. HARRIS. Mr. Speaker, I yield myself the balance of the time on this side.

Mr. FOGARTY. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Rhode Island.

Mr. FOGARTY. Mr. Speaker, I just want to compliment the chairman of the subcommittee [Mr. ROBERTS], also the gentleman from Pennsylvania [Mr. RHODES], for introducing this legislation. I hope it will pass, because we have a shortage of public health personnel. I think every State that has a public health school recognizes that fact because the dean of every public health school in this country agrees with this legislation.

Mr. HARRIS. Mr. Speaker, as the subcommittee has developed this matter, it has shown that fact explicitly. This program has developed into a very fine one. It is recognized and admitted that we are behind in this field of public health training. If we do not do something about it, the grant-in-aid program for schools of public health dies this year. The question is whether or not we recognize the fact that this is a needed and worthwhile program and we ought to have it. The subcommittee has done a fine job and certainly I commend it for the approval of the House.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title was amended to read as follows: "A bill to amend title III of the Public Health Service Act, to authorize project grants for graduate training in public health, and for other purposes."

ESTABLISHING NATIONAL REGISTER OF REVOKED MOTOR VEHICLE OPERATOR'S LICENSES

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5436) to provide for a register in the Department of Commerce in which shall be listed the names of persons refused a motor vehicle operator's license or who had such licenses revoked, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce shall establish and maintain a register containing the name of each individual reported to him by a State, or political subdivision thereof, as an individual with respect to whom such State or political subdivision has revoked a motor vehicle operator's license or permit because of (1) driving while intoxicated, or (2) conviction of a violation of a highway safety code involving loss of life. Such register shall contain such other information as the Secretary may deem appropriate to carry out the purposes of this Act.

SEC. 2. The Secretary shall, at the request of any State, or political subdivision thereof, furnish such information as may be contained in the register established under section 1 with respect to any individual applicant for a motor vehicle operator's license or permit in such State or political subdivision.

SEC. 3. The term "State" includes each of the several States, Puerto Rico, the District of Columbia, Guam, the Virgin Islands, and the Canal Zone.

The SPEAKER. Is a second demanded?

Mr. SCHENCK. Mr. Speaker, I demand a second.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this bill was introduced by the gentleman from Arizona [Mr. RHODES]. It provides for a register in the Department of Commerce in which shall be listed the names of persons whose motor vehicle operator's licenses have been revoked for certain offenses. This is permissive legislation. I really do not know of any serious opposition or of any opposition at all.

The committee heard witnesses and a record was made of the need for this legislation. The subcommittee reported it unanimously and the full committee reported it unanimously, and we have it here for your consideration. We commend it to the House. We think it would be helpful in this field.

This bill as reported would set up in the Department of Commerce a register of the names of persons whose drivers' licenses have been revoked for two of the most serious of traffic offenses—driving while drunk and a traffic law violation which results in a fatality.

Names to go on the list would be submitted by the States and local political subdivisions on a voluntary basis. State driver licensing authorities could call upon the Secretary of Commerce for information regarding names on the list. This would permit a more careful check for chronic traffic law violators than is now possible.

It is generally agreed that keeping chronic traffic law violators from driving will go a long way in reducing traffic accidents, which are costing this country billions of dollars a year.

Just to show you how serious this situation is, let me cite a report made to Congress last year by the Secretary of Commerce. In that report, the Secretary estimated that traffic accidents cost our motorists an average of $116 for each registered vehicle, which amounts to 1 cent a mile for each mile driven, or roughly 12½ cents for each gallon of gasoline consumed.

If we can do something to reduce the deaths and injuries and cut down on the

huge property loss from preventable accidents, it will be well worth our efforts here. The committee believes that, with little cost to the Government, this register of law violators can be set up to provide very important and valuable information to the States in licensing drivers.

The original scope of this bill has been considerably curtailed by the committee in the reported bill we present today.

As introduced, the bill proposed to establish a register of the names of persons refused a motor vehicle operator's license or who have had such license revoked. The Department of Commerce raised questions as to the cost of establishing and maintaining such a list.

Accordingly, the committee has limited the scope of the bill. Although a national register of all revocations would be of great value, the committee feels that the limited register proposed in the legislation offered here today will be more than worth the nominal cost of such service.

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, this legislation is certainly a step in the right direction in what ought to be a national effort to remove unfit and disqualified drivers from our public highways.

I am gratified to learn that this legislation will also be applicable and will permit the registration of suspensions of persons convicted of the charge of driving while under the influence of intoxicating liquor. There are many States, including Ohio, which define the charge in this way.

Prior to coming to Congress I had an extraordinary opportunity in the city of Cleveland to learn the need for this type of legislation. Time and time again the most serious violators of traffic regulations turned out to be persons whose licenses had been under suspension in one or two other States. Unless the intrastate movement of these unfit motor vehicle operators is curtailed, there can be no real safety on our highways.

It is my hope that this register system will very soon lead to a uniform driver's license in the several States which will be patterned after the uniform motor vehicle registration law and which will make it more difficult for persons with revoked or suspended permits to shift their dangerous operations to the highways of another State.

McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the majority leader.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet tomorrow at 11 o'clock.

The Speaker. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object——

Mr. McCORMACK. I withdraw the request until later. I do not want it to interfere with the consideration of this bill.

Mr. SCHENCK. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES of Arizona. Mr. Speaker, this is a bill which, as the gentleman from Arkansas has so ably explained, would set up an office or a facility in the Department of Commerce in order to give a clearing house whereby one State could determine whether or not a person applying for a driver's license had his license revoked in another State. The committee has, in my opinion, done a fine job on this bill. The amendment which the committee submitted makes the bill better and more workable than it was at the time it was introduced.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present. I withdraw my point of order by request.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Alabama.

Mr. ROBERTS. Mr. Speaker, as chairman of the Subcommittee on Health and Safety, I would like to commend the gentleman from Arizona for introducing this bill and for his diligent efforts in its behalf. It is true that the subcommittee did make some changes and the committee made some changes so that the bill not apply to those cases of revocation, suspension, or refusal to issue but will apply only to those cases of conviction of driving while intoxicated; for instance, while violating the highway safety code, in which death resulted, which consists of most of your manslaughter cases. Now, the bill has a very limited field of application, but we think that it is the best way to approach it and that we can do this with very limited funds. I believe it is good legislation, and it will take some of these killers off our highways. Mr. Speaker, I hope that the House will approve this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Iowa.

Mr. GROSS. What will be the cost of this bill?

Mr. RHODES of Arizona. The cost will be very modest. The facility which will be set up, as the gentleman from Alabama [Mr. ROBERTS] has explained, will have a very limited amount of work to do, because of the types of revocations which will be covered. There has been no assessment of the cost at this particular time.

Mr. GROSS. It would seem to me, if these records have any real meaning, this is going to cost a considerable amount of money before you get through with it.

Mr. RHODES of Arizona. I assure the gentleman that with the situation on the highways as it is today, the cost of this bill will be negligible compared with the good it will do in getting people off these highways whose licenses have been revoked.

Mr. GROSS. What demand was there on the part of the States for this clearinghouse?

Mr. RHODES of Arizona. The Congress in 1953 or 1954 passed a resolution which authorized the States to enter into compacts to provide for themselves the machinery for exchanging this type of information. The States have not seen fit to go into this field as thoroughly as they should. It is my hope that they will go into it. I have had letters and communications from people in my own State, particularly the head of the Arizona Highway Patrol, who has said that this legislation is absolutely necessary in order to control the situation which we now have on our highways. We have had instances in the State of Arizona where a truck ran into an automobile, a head-on collision. The driver of the truck had had his license revoked in two different States for driving on the wrong side of the highway.

Mr. GROSS. This bill mentions only licenses revoked for driving while intoxicated or conviction of a violation of a highway safety code involving the loss of life. Why not have them report, if we are going to have this sort of thing, the driver who is charged repeatedly with reckless driving? Is he not a rather lethal driver?

Mr. RHODES of Arizona. I think the gentleman from Iowa will agree that this is a fairly new sort of activity. It is better to start out small and see whether or not there is any profit in extending this. It may be that the States will act in the field and it will not be necessary to expand the activities of the Federal Government any further than this. I hope that will be the case.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I want to commend the gentleman from Arizona and the committee for bringing out this legislation. I should like to ask the gentleman whether it is the intention of this bill to include the registration of those suspensions for driving while under the influence of intoxicating liquors, which is the law in a number of States.

Mr. RHODES of Arizona. As the gentleman has pointed out, and as appears in the bill under the committee amendment, the charge now covered is driving while intoxicated on which charge the individual was sentenced to imprisonment. The committee felt, and I agree with the committee, that it is better to start small, and to include this restrictive language at the present time.

Mr. VANIK. If it is a suspension for driving while under the influence of intoxicating liquor, the registration could be included as provided by this section.

Mr. RHODES of Arizona. That is right, if the individual is sentenced to imprisonment.

Mr. VANIK. I thank the gentleman.

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman.

Mr. JOHANSEN. I observe a statement in the report of the Bureau of the Budget that—

> The assumption by the Federal Government of the responsibility for providing the services proposed in H.R. 5436 could establish an undesirable precedent leading to extension of Federal activity to other areas in which the States retain paramount responsibility, and might well be detrimental, therefore, to the interests of State government.

I wonder to what extent the gentleman feels there is some validity to that warning. I wonder to what extent the effort has been made, through the conference of Governors or any other medium, to secure the voluntary establishment of a clearinghouse of this type. And I wonder if we are not starting something on a small scale that could grow to a large scale and become a very serious problem with respect to the point made here.

Mr. RHODES of Arizona. I would say to my good friend from Michigan that it certainly is not my intention to establish here a great Federal agency.

Mr. JOHANSEN. I am sure of that.

Mr. RHODES of Arizona. I do not believe it will result in that. The States have already been invited by the Federal Government to act in this field by a resolution authorizing compacts to be entered into. I hope this will be done.

Mr. JOHANSEN. I am wondering whether it would not be a more timely and more orderly procedure to wait for the results of that invitation to such a compact rather than legislating in this field ahead of action on it.

Mr. RHODES of Arizona. As the gentleman has seen and as I am sure he knows, this is a very modest start. It is hoped that it will result in speeding action in the States rather than retarding action. The experience in the action of the States since the enactment of the resolution in 1955 has not been very good. We feel that this sort of action is necessary because of loss of life on the highway.

Mr. JOHANSEN. I certainly concur in the objectives of such a clearinghouse, but it has been my observation that whenever the Federal Government undertakes to do the job it lessens rather than accelerates the desire for any voluntary action by the States.

Mr. RHODES of Arizona. The gentleman may rest assured that is not the intention.

Mr. HARRIS. Mr. Speaker, I yield 10 minutes to the gentleman from Louisiana [Mr. Boggs].

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, I take the floor this afternoon reluctantly and sorrowfully. I take the floor as an American, as a lifelong Democrat, and as a lifelong member of the Roman Catholic Church.

I have just now read what purports to be a tape recording of a question asked of Paul M. Butler, the retiring chairman of the Democratic National Committee, before the National Press Club here several days ago.

Mr. Speaker, I am committed to none of the candidates for the Democratic nomination. They have all been my devoted friends. They have assisted me in many ways. Now as in the past I intend to support the nominee of my party. I served as the southern campaign manager for Governor Stevenson in both of his campaigns for the Presidency.

I quote the question and answer referred to. The question is as follows:

> If JACK KENNEDY is denied the nomination because of objections of some leaders to his religion, do you think many Catholics will vote Republican?

The answer of Mr. Butler:

> I think that I've spoken on this before, although only perhaps in an isolated press conference which did not get national attention, particularly here from the press corps in Washington.
>
> This puts me right on the spot. I am an American Catholic, or, perhaps more properly, I am a Catholic American. And I believe that, up to now, the religious issue in the preferential primaries, the religious issue in the discussion by the leading newspapers and magazines and radio and television commentators, has been made such an issue that a Catholic bloc vote, which does not exist ordinarily—and I think anybody who knows anything about American politics cannot contend otherwise.
>
> There is no such thing as a Catholic bloc vote normally, but the Catholics of the country, in a feeling of discrimination which may very well be expressed in the denial—not necessarily altogether the reason, but certainly may be a very important reason why JACK KENNEDY would be denied the nomination, if he is—and might very well result in just a normal reaction on the part of any American who felt that one of his own, in a particular religious faith, had been discriminated against on the grounds of religion.
>
> And I say to you, very objectively I hope, that I think that that situation may very well be developed, not because of any effort within the membership of the Catholic Church of the United States to create a Catholic bloc vote, either pro or con. And I think that you would find much less of a Catholic bloc vote for Mr. KENNEDY if he is nominated than you would find against the Democratic ticket if he is denied the nomination and comes into the convention with almost enough votes to win the nomination.

Mr. Speaker, to me this is an astonishing statement. It is a frightening statement and it is a false statement. As a Catholic, I deny it totally and completely. I shudder to think what would happen to our beloved country if Mr. Butler's prediction was to come true and if we really did develop such blocs of Catholic-Americans, Baptist-Americans, Irish-Americans, Italian-Americans, Presbyterian-Americans, Jewish-Americans and all of the other countless groups of nationalities, religions and sects that are spread throughout the length and breadth of this vast and magnificent and glorious free land of ours.

Mr. Speaker, we are all Americans without prefix or suffix. As a Catholic, I resent the statement and defy the allegation.

Catholics will be voting for and against the Democratic nominee whoever he may be and they will be voting for and against the Republican nominee whoever he might be. For a national chairman to describe himself, and I quote, "I am an American Catholic or, perhaps, more properly, I am a Catholic-American" demonstrates, in my judgment, a complete lack of understanding either American or Catholic. There is no such thing, Mr. Butler, as a Catholic-American. There is such a thing as an American who is a Catholic or an American who is a Baptist or an American who is a Christian Scientist or an American of whatever religious faith.

Finally, I am certain that no candidate for the Democratic nomination can conceivably subscribe to this philosophy. I know that Senator KENNEDY does not. He has so stated time and time again. I know, too, that Senator Johnson and Senator Symington and Governor Stevenson do not subscribe to this philosophy.

Mr. Speaker, unfortunately, there are some people in our Nation who are prejudiced. I, myself, in my own State know something about some of these issues, but, I would say to you, Mr. Speaker, that Mr. Butler by making this statement not only is not contributing to the solution of these problems or to the abatement of these prejudices, but by making such statements he may be assuring a new wave of hatred and misunderstanding in our beloved country.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Pennsylvania.

Mr. WALTER. The statement to which the gentleman from Louisiana just made reference is, indeed, alarming and, certainly, disturbing to those of the Democratic Party. However, the account that appeared in this morning's New York Times, written by one Leo Eagan, which purports to be the report of a statement made by Senator KENNEDY, is certainly just as disturbing and I trust that the Senator has been misquoted.

This article purports to present the position of the Senator as being not desirous of having any support from the Democratic Party in the South.

I am old enough to remember the day when the Democratic Party consisted very largely of Tammany Hall, the South, JOHN MCCORMACK's district in Massachusetts, and one district in the great Commonwealth of Pennsylvania. It was that very small group of people who kept alive those things we like to boast about as being the principles of our great party. I certainly cannot believe that any candidate for President would turn his back deliberately on a great part of the Democratic Party.

Mr. BOGGS. I am glad to inform the gentlemen that this report has been denied and that Senator KENNEDY's office restated to me that the Senator now, as in the past, seeks support from every section of our country, both in convention delegates prior to Los Angeles, and from the voters throughout our country if he secures the nomination.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHENCK. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Speaker, I would like the attention of the author of the bill or one of the managers for the purpose of inquiring whether or not the language in line 4 on page 1 of the bill is merely permissive and voluntary as far as the States are concerned and is not construed to be a law requiring the States to report revocation of operators' licenses.

Mr. SCHENCK. I will say to my friend from Michigan that this is entirely a matter of voluntary compliance and not obligatory compliance on the part of the State.

Mr. MEADER. I thank the gentleman.

Mr. SCHENCK. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Speaker, I would like to ask a question of either the gentleman from Arizona or the gentleman from Ohio as to whether or not the Department of Commerce has given approval to this bill.

Mr. RHODES of Arizona. The answer is that the Department of Commerce has withheld its approval of the bill on the basis that they do not know what it will cost.

Mr. BOW. Sitting on the Appropriations Committee for the Department of Commerce, I am wondering just where in the Department of Commerce you would have this particular function. There is nothing there now that resembles it. It would mean setting up an entirely new division. I am wondering if the gentleman knows anything about the question of costs.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield.

Mr. ROBERTS. The reports from the Department of Commerce are rather conflicting. In the report they made to Congress on March 3, 1959, by the Secretary of Commerce entitled "The Federal Role in Highway Safety," House Document No. 93, 86th Congress, 1st session, they made the following recommendation:

> The number of driver licenses currently in revoked status is estimated at 1 million, or more than 1 percent of all drivers. As a class, these drivers are a poorer than average risk. Most States do not issue driver licenses to persons known to have had their license revoked in another State, but well over half the States do not check all applicants in this respect, and some have difficulty in obtaining adequate cooperation from other States even when it is requested.

Mr. BOW. If the gentleman will permit me, what the gentleman is saying in effect is that the Department of Commerce does not approve the bill. In this conflicting situation I am just wondering whether we want to go into this.

Mr. ROBERTS. They said in this report that it could be done at relatively small cost.

Mr. BOW. I have had some experience with the Department of Commerce and their idea of small cost, I will say to the gentleman. I would like to get some dollar value on this.

Mr. SCHENCK. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, this is a small bill but it is one that I feel has a great deal of merit. If you are going to find out who these drivers are who have their licenses revoked and suspended in one State and move on to another State in order to operate their automobile, this is the only way in which I know it can be done. It seems to me this should have been left probably with the Federal Bureau of Investigation in the same way in which they check on people who violate other laws. But after a great deal of consideration the committee came to the conclusion the Department of Commerce was the right place and, personally, I agree with that.

I want to add my commendation and wish that the bill will be speedily passed.

Mr. SCHENCK. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I want to commend the author of this bill, the gentleman from Arizona [Mr. RHODES]. All of us know the tremendous loss of life and injury sustained on our highways each year. This is a step in the right direction to make sure that automotive drivers' licenses are properly issued. Too many people feel that driving an automobile is a right instead of a privilege.

I urge the adoption of this bill which was introduced by the gentleman from Arizona [Mr. RHODES].

Mr. HARRIS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Speaker, I rise in support of the pending legislation. For several years Miss Patricia Leeds, a police reporter for the Chicago Tribune, and a former colleague of mine, has been suggesting establishment of a national register of revoked drivers licenses such as is proposed in this legislation before us. Miss Leeds is unique in that she is one of the few women police reporters in the country. And I might add, certainly one of the best reporters in America. She has seen the great tragedies that result from auto accidents she has covered as part of her assignment. I think her suggestion has been a good one and I am glad it is incorporated in this legislation up for consideration today. I am hoping Miss Leeds will be happy in seeing her suggestion approved by the Congress of the United States.

Mr. HARRIS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is the last of eight suspensions which the Committee on Interstate and Foreign Commerce has had the responsibility of offering today. I take this occasion to thank the chairmen of the subcommittees for the splendid work they have done and the fine way they have assisted in presenting these bills to the House this afternoon. I wish to thank the other members of the committee who have been faithful and active here in supporting our efforts. I wish to thank the Members of the House for the approval of these suspensions. I am assuming this one will be approved too.

The SPEAKER pro tempore (Mr. HOLIFIELD). The question is on suspending the rules and passing the bill.

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. HOLIFIELD). The Chair will count. [After counting.] One hundred and eighteen Members are present, not a quorum.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 153]

Adair	Garmatz	Mumma
Albert	Halleck	O'Hara, Mich.
Alexander	Henderson	Oliver
Alford	Hess	Philbin
Alger	Jackson	Pilcher
Anderson, Mont.	Jones, Ala.	Pirnie
	Kearns	Powell
Anfuso	Kelly	Reece, Tenn.
Auchincloss	Keogh	Santangelo
Baker	Kluczynski	Scott
Barden	Knox	Sheppard
Barry	Lafore	Smith, Miss.
Blitch	Landrum	Spence
Bonner	Lennon	Steed
Bowles	McSween	Stratton
Bray	Machrowicz	Taylor
Brown, Mo.	Magnuson	Thompson, La.
Buckley	Martin	Thompson, N.J.
Burdick	Mason	Vinson
Carnahan	Merrow	Wainwright
Celler	Metcalf	Watts
Coffin	Miller, N.Y.	Whitten
Durham	Minshall	Willis
Evins	Mitchell	Winstead
Fallon	Moore	Withrow
Fino	Morris, Okla.	Wright
Frazier	Morrison	Yates
Frelinghuysen	Moss	Zelenko

The SPEAKER. Three hundred and forty-seven Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ESTABLISHING NATIONAL REGISTER OF REVOKED MOTOR VEHICLE OPERATORS' LICENSES

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title of the bill was amended so as to read: "A bill to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked."

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12263. An act to authorize the conclusion of an agreement for the joint con-

struction by the United States and Mexico of a major international storage dam on the Rio Grande in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes.

PERMITTING THE USE OF CERTAIN FOREIGN-BUILT HYDROFOIL VESSELS IN THE COASTWISE TRADE

Mr. GEORGE P. MILLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3900) to permit the use of foreign-built hydrofoil vessels in the coastwise trade of the Commonwealth of Puerto Rico, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law to the contrary, that certain hydrofoil vessel now known as the *Flying Fish,* built in Messina, Italy, and now owned by Calderone Enterprises Corporation, Hempstead, New York, and one other hydrofoil vessel of similar origin and ownership of less than one hundred gross tons may, at any time within eighteen months after the date of enactment of this Act, be documented as vessels of the United States upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade only to the extent necessary to permit the carriage of passengers and merchandise, whether for hire or otherwise, between and among points within the Commonwealth of Puerto Rico as long as the vessels shall continue to be owned by a citizen of the United States.

SEC. 2. When used in this Act, the term "citizen of the United States" includes a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 4132 of the Revised Statutes of the United States, as amended (46 U.S.C. 11), and section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802).

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection a second will be considered as ordered.

There was no objection.

Mr. GEORGE P. MILLER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill would permit the use of foreign-built hydrofoil boats in the coastal waters of Puerto Rico and the American islands adjacent thereto.

The hydrofoil boat is a new concept of vessel. It contains some of the features of an airplane. It is an entirely new device in the trade of the world. The greatest development in this field has been in Italy, where an Italian company builds boats that have a capacity in excess of 100 tons and can carry 150 passengers. They move at an accelerated speed because all water resistance is eliminated or reduced. These boats can accelerate up to 40 miles an hour in a very short time, and they skim over the tops of the waves.

A New York company, wholly American-owned, purchased one of these boats and uses it in the interisland trade, that is, between Puerto Rico and the Virgin Islands and the islands of the West Indies. It is proving highly successful.

Off the coast of Puerto Rico lies the Puerto Rican island of Vieques that needs communication with the island of Puerto Rico, and needs it badly. It takes about 45 minutes to make the trip with a stylized type of boat. The people living on Vieques Island have no real economy. During wartime an airfield was built on the island and people moved there. They must commute back and forth to the island of Puerto Rico.

This man proposes, if permitted, to put this type of hydrofoil boat into service between Vieques and Puerto Rico. With this boat the trip between the islands can be made in 12 minutes.

But in order to operate he has to have a second boat, so the current bill proposes to allow this company to register this foreign-built boat in America and within 18 months to purchase a sister ship that also can be used in this service.

It is understandable that you cannot maintain such service with one boat because there will be layups and there will be accidents. That is all the bill proposes to do. There is no American firm presently building hydrofoil boats. The patents of the Italian firm are owned by one American airplane company, but they are not in production. Another airplane company proposes to go into the business, but they are not in production. The Department of Commerce feels that the use of these ships would give us a chance to study them. This type of hydrofoil boat will revolutionize water transportation. That is about the sum and substance of the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GEORGE P. MILLER. I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand there is no cost to the Government involved here?

Mr. GEORGE P. MILLER. No cost to the Government. It is a private operation.

Mr. BROOKS of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. GEORGE P. MILLER. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. We have held extensive hearings and our scientists are looking into this matter. The Navy has looked into such a project also. But, as the gentleman has well said, these boats are not available, although they have been used in foreign places, such as in Italy, in the past, very successfully, especially for transporting people from one island to another where the points are not too distant or too far out in the ocean. So I join with the gentleman in supporting this measure.

Mr. CANFIELD. Mr. Speaker, will the gentleman yield?

Mr. GEORGE P. MILLER. I yield to the gentleman from New Jersey.

Mr. CANFIELD. Will the gentleman briefly tell us something about the construction of these boats, how they are made and what they are made of?

Mr. GEORGE P. MILLER. They are made of aluminum primarily. Under the boat is a wing, something like an airplane wing, that comes down to struts. As they move forward, the forward action brings the boat upward until the hull of the boat is almost completely out of the water, which eliminates all the friction that retards vessels generally. I have only ridden in a very small boat, a 14-foot boat, but it got up to 35 miles an hour in less than 2 minutes. You skim right over the top of the water.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. GEORGE P. MILLER. I yield to the gentleman from Pennsylvania.

Mr. FULTON. As a member of the Science and Astronautics Committee, I join with the gentleman in his statement. I feel this is a field of scientific inquiry we should go into.

Mr. PELLY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I have some misgivings in connection with passage of H.R. 3900, to authorize documentation of two hydrofoil vessels of foreign construction to engage in coastwise trade for carriage of passengers and merchandise in the Commonwealth of Puerto Rico.

As a member of the House Merchant Marine and Fisheries Committee, I am not convinced that U.S. built hydrofoil vessels cannot be obtained. The testimony given the committee did indicate that the prospective operator of these two ferries had not been able to obtain a guarantee from a U.S. builder that such a craft would operate successfully. But since the hearing on H.R. 3900, both the Federal Maritime Administration and the Navy Bureau of Ships have said that hydrofoil should be feasible from both an engineering and commercial standpoint. The Grumman Aircraft Co. is building a research hydrofoil vessel and the Boeing Airplane Co. has just been awarded a contract to construct a 110-ton hydrofoil submarine chaser with a top speed of 70 miles an hour.

Since H.R. 3900 was reported favorably by the Merchant Marine Committee I have read in an article in the Marine Digest that the Waste King Corp., Los Angeles, has a design for a 28-ton, 65-foot, 93-passenger hydrofoil ferry with a speed of 44 knots.

I understand a number of other boatbuilding concerns are anxious to get into this field.

Allowing the use of two Italian hydrofoil ferries to demonstrate feasibility of this new means of speedy surface transportation may be helpful, but it might have been far better to delay the legislation in order to more thoroughly explore the possibility of utilizing American facilities and labor in promoting the building of such a craft in the United States.

I am puzzled by one other factor. According to news dispatches, one of the Italian-built hydrofoils which would be exempted by this bill, the one which has been operating in Puerto Rico, is arriving in Puget Sound July 3. It is going into service between Bellingham, Wash., and Victoria, British Columbia.

I do not understand if this bill would allow two newly constructed foreign-built hydrofoil ferries to convey passengers and freight between American ports, and that would not follow the proposal in the testimony. The owner said he

wished to order a second ferry to complement the one he already owned. Now I find the one he owned, called the *Flying Fish*, is no longer in Puerto Rico. I think that the passage of the bill, under these circumstances, should be withheld until all facts are known.

As I understand there has been some interchange or acquiring of patent rights. I think the public interest would be served by Congress investigating the reasons why the United States is behind Europe in hydrofoil development. We must insure that there are no monopolies either foreign or domestic to put roadblocks in the way of utilization of foils under a vessel to give it lift to reduce resistance of the vessel's hull in the water in order to obtain speed.

From a commercial standpoint, I believe a new avenue of opportunity is available in the field of fast low-cost transportation. In the Pacific Northwest and Alaska such a new development could have great economic advantage.

Mr. Speaker, I do not believe this legislation properly should pass. I do most urgently express the hope that the Merchant Marine Committee next year look into the hydrofoil situation and obtain the facts about patent ownership and other facts bearing on why foreign nations are ahead of the United States and what is holding us back.

Pending further information, I oppose H.R. 3900.

Mr. GEORGE P. MILLER. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from California.

Mr. GEORGE P. MILLER. I have no knowledge of that. I do know at hearings, as the gentleman remembers, there was testimony that these boats could not be purchased in this country. I do not know that this company has ever built or had a boat in operation. This is not an experiment. The man is going into it on a business deal. The Italians, the patents of which are available in this country, have been building these boats for some time.

I would like to see American industry get into this. And, may I say that only in this session of the Congress did we appropriate a rather substantial sum to the Navy for experimentation in this field.

Mr. PELLY. I should like to say, first of all, that the Maritime Administration is building a hydrofoil right now and has spent about a million and a half for research. And, as those on the Committee on Science and Astronautics know, Admiral James of the Bureau of Ships recently testified before that committee that they were practical and feasible, and now they have contracted with the Boeing Airplane Co. for $2 million to build an antisubmarine hydrofoil.

Mr. BROOKS of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. As the gentleman well said, the Navy did come before our committee and said that they were practical and feasible and we should develop them. The Navy is working on an American type of hydrofoil which we think will be superior to that developed in the European countries. I hope they go ahead with the program; go ahead and produce a prototype at an early date. The Navy is not in a position, though, to say that they have an operable, usable hydrofoil for commercial purposes.

Mr. PELLY. I will say to the gentleman that the testimony before his committee was to the effect that from an engineering standpoint they are feasible and they are also commercially feasible. All I am pleading for is that the American boatbuilding industry, which so badly needs some work, will have an opportunity to enter into this field.

There is another point I would like to raise. The legislation that is before us has a provision in it which says "That, notwithstanding any other provision of law to the contrary, that certain hydrofoil vessel now known as the *Flying Fish*" and that would authorize that particular one to operate between two American ports.

Now, I have an article from the same magazine, Marine Digest, which says:

> The Italian hydrofoil *Flying Fish* will arrive on Puget Sound the week of July 3, the Marine Digest learned this week from Mayor John E. Westford, of Bellingham, one of the backers of a proposed hydrofoil service between Bellingham and Victoria.

Now, what I want to know is, Are we authorizing two new Italian-built hydrofoils to come into this country and operate in Puerto Rico, or is this legislation of no avail, or is the existing hydrofoil going to operate in the Pacific Northwest?

Mr. GEORGE P. MILLER. I cannot answer that question. But, if this bill is passed, the *Flying Fish* and the authority to buy one other boat will be given to the Calderone Co., and that is all there is to it. In the meantime, until they get another boat, they cannot put them into the ferry service. They are using it now on charter service in the West Indies, and if they want to take it out and show it in Bellingham and use it in international waters out there, I do not know what you can do to stop them. This does not apply to any more than the *Flying Fish* and one additional ship which must be purchased within 18 months.

Mr. PELLY. Mr. Speaker, I want to call the attention of the Members of the House to the fact that I have a bill before the Committee on Merchant Marine and Fisheries which would authorize the building of a hydrofoil in this country. I believe it is absolutely feasible. The only problem in my mind is this: Is someone getting hold of the patents in this country and putting up roadblocks so that the American workingmen in the American shipyards are not able to build these hydrofoils as against European countries where they have been building them for some time?

Mr. BROOKS of Louisiana. I will say this, that the American type of hydrofoil that we are working on would be probably subject to an individual patent, which would be entirely separate from the presently existing hydrofoil patents.

Mr. PELLY. Well, I just hope that there will be a hearing in the next session of the Congress and open up and investigate this whole field. In the meantime, I think Puerto Rico justifies our aid and assistance, and I am not going to ask for a rollcall.

The SPEAKER. The time of the gentleman from Washington [Mr. PELLY] has expired.

Mr. PELLY. Mr. Speaker, I yield myself 5 additional minutes.

Mr. WESTLAND. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. WESTLAND. The gentleman from California mentioned the possibility of stopping this hydrofoil boat trip between Bellingham, Wash., which is in my district, to Victoria and Vancouver. I hope no one will do this, because, in my opinion at least, this sort of trip, taking passengers between a foreign country and the United States, should demonstrate the feasibility of this type of transportation. These are somewhat inland waters but, nevertheless, this is not costing the Federal Government a dime. This whole business should be demonstrated rather clearly right up there.

The gentleman from Washington [Mr. PELLY] has helped to gain a contract for the Boeing Aircraft Co. to build one ship. I happen to have a shipyard in Bellingham that is also interested in building these hydrofoils. I do want to praise the city of Bellingham for being the first one to put this sort of ship into operation, so that your committee can see just exactly what does happen.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. HOSMER. I should like to ask the gentleman, since some of our colleagues have mentioned science in this connection, do these ships have anything to do with scientific research or are they to be put on commercial routes and given commercial experience with them?

Mr. PELLY. Mr. Speaker, I would like to say to the gentleman that it is proposed to use these Italian-built hydrofoils in private commercial profit-seeking ventures. The ones that are being built, however, are one for experimentation and the other for antisubmarine work of the Navy.

Mr. HOSMER. But these naval projects have nothing to do with the two vessels concerning which this bill is written?

Mr. PELLY. The two vessels which are encompassed in this legislation would be used in the private transportation of passengers and freight, in a ferry service in Puerto Rico. They are built in Italy. They have nothing to do with the Navy. They simply will provide an experience in this country in the use of this modern method of propulsion.

Mr. HOSMER. So we are not voting for or against science, whichever way we vote on this bill; is that correct?

Mr. PELLY. We very definitely are not.

Mr. HOSMER. I thank the gentleman.

Mr. PELLY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. TOLLEFSON.]

Mr. TOLLEFSON. Mr. Speaker, this is a very simple bill. The word hydrofoil is glamorous and it is nice to talk about it, but the bill is really very simple. Under present law no foreign-built vessel may travel between two ports in the United States or in its possessions. A hydrofoil boat has been operating between Puerto Rico and the Virgin Islands, which it may do under the law. It is a foreign-built boat. The owner of that boat wants to operate it not only between the Virgin Islands and Puerto Rico but between at least two ports within Puerto Rico. Before he is able to do so he must have a waiver of the present law. This bill is designed to give him that permission so that he may sail his vessel between the two Puerto Rican ports. The bill authorizes him to operate another vessel but requires that he build and supply this vessel within a period of 18 months. It is a simple bill; it just waives the provision of the existing law.

It is true that one of the vessels temporarily may be exhibited between Bellingham and a Canadian port. This can be done legally because this is not a tour between two American ports but is between an American port and a Canadian port, and this is admissible under the law. It is a very simple bill.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill H.R. 3900, with amendments?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title was amended to read, "A bill to permit the admission to registry and the use in the coastwise trade of certain foreign-built hydrofoil vessels."

A motion to reconsider was laid on the table.

VESSELS CARRYING FREIGHT TO AND FROM PLACES IN SOUTHEASTERN ALASKA

Mr. GEORGE P. MILLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2669) to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted certain small vessels carrying freight to and from places on the inland waters of southeastern Alaska, with an amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to amend section 4426 of the Revised Statutes, as amended, with respect to certain small vessels operated by cooperatives or associations in transporting merchandise of members on a nonprofit basis to or from places within the inland waters of southeastern Alaska and Prince Rupert, British Columbia, or to or from places within said inland water and places within the inland waters of the State of Washington" approved August 23, 1958 (72 Stat. 833), is amended by striking out "1960" and inserting in lieu thereof "1962".

The SPEAKER. Is a second demanded?

Mr. TOLLEFSON. I demand a second, Mr. Speaker.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GEORGE P. MILLER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this is a second bill coming from the Committee on Merchant Marine and Fisheries in which we ask for an exemption. In this case it pertains to the State of Alaska.

The matter of transportation in Alaska is one of which we have no concept in this country. Most of it must be done by water. The fiords along the Alaskan coast do not lend themselves to highway transportation nor do they lend themselves to truck transportation, so most of the transportation in this field is by water.

There has been a cooperative line operating in southern Alaska whose ships do not come up to the standard required by the Coast Guard. We made an exemption for these ships a couple of years ago and gave them 2 years in which to meet their requirements. They have not been able to do this due to a number of things. We are here again asking that they be given another exemption, to 1962, in order that we do not disrupt a very important phase of the economy of Alaska and that these isolated places along the coast may be allowed to have their services continued. The bill is that simple. I commend the bill to you in the interest of taking care of the new State of Alaska.

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet tomorrow at 11 o'clock.

Mr. HOFFMAN of Michigan. I object.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet tomorrow at 10 o'clock. Let him object to that.

Mr. HOFFMAN of Michigan. Mr. Speaker, I object.

VESSELS CARRYING FREIGHT TO AND FROM PLACES IN SOUTHEASTERN ALASKA

Mr. TOLLEFSON. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Speaker, I joined in filing minority views in the committee report on S. 2669 to extend for a period of 2 years the exemption from Coast Guard inspection and manning provisions granted to certain vessels under 150 gross tons, owned by or chartered to any cooperative or shipping association operating between the State of Washington and southeastern Alaska.

At one time there may have been a temporary justification for waiving safety-at-sea requirements. However, service at this time is provided to the various communities by vessels which do comply with the law. I do not favor this special treatment to one carrier and as long as exemption is granted to one carrier it results indirectly in curtailment of service by other carriers.

The merchants of Alaska originally had difficulty with the Alaska Steamship service from Seattle—especially with perishables including milk and vegetables. Now the Alaska Steamship has corrected the situation and provides refrigeration.

As I see it, the cooperative association is able to take cargo at cut rates as against the published tariffs of its competitor, the Alaska Steamship Co.

The latter, because of inadequate volume, is suffering profitwise and has repeatedly sought increases in freight rates.

It seems obvious that if the cargoes presently transported by the merchants cooperative on substandard vessels were available to the Alaska Steamship Co., her operation would be benefited and one reason of higher freight rates would be removed.

Recently, the Anchorage Times ran a news article saying the Alaska Steamship Co. might abandon all but two Alaska stops. The company says there is no such definite plan, but certainly the operation of this nonprofit, tax-free, cut-rate competition serves to increase such a possibility.

Alaskans have long suffered from high shipping rates, due greatly to the lack of year-round return cargoes. Other shipping concerns have discontinued service and now the Alaska Steamship Co.—long the whipping boy of Alaska politicians—needs support. If "the cream" is taken by a nonprofit line and the Government MSTS ships, the oldest and last common carrier steamship service will fold. It will transfer its vessels to more profitable areas.

This bill, under the language of the committee report is to give the merchants cooperative time to comply with the Coast Guard requirements or quit. That is the only justification for the bill.

I would like to see a reduction in freight rates to Alaska. The undercutting of Alaska Steam's published rates is not the proper way to accomplish this in the public interest.

Frequency of voyages and rates can only come from increased traffic. The solution is not in legislation such as S. 2669.

The solution is not in killing the goose, but rather in seeing that the regulated common carrier is given a break and helped in every way possible.

Mr. TOLLEFSON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the proposal in this bill to waive statutory provisions for safety and manning of certain vessels, simply on the basis of financial expediency, is unwarranted. Safety at sea and proper manning of vessels are not luxuries to be provided only when convenient, but rather are requirements imposed by law because they are necessary for the protection of life and property. If these requirements are necessary for one carrier, they are necessary for all.

The argument advanced that service to certain southeastern Alaska outports cannot be maintained without the exemptions provided for in this legislation

is neither convincing nor accurate. The fact is that service is provided to all outports in question by vessels which do comply with present laws, and furthermore the one carrier for whose benefit this legislation is proposed does not provide service on any regular or reliable basis to any such outports. The carrier in question serves on a scheduled basis only the ports of Ketchikan, Wrangell, and Juneau—each of which is also served once each week by common carrier vessels subject to all laws and regulations.

Furthermore, the Congress has already made adequate provision for service to these so-called outports of southeastern Alaska by enacting Public Law 85–739—section 1 (46 U.S.C. 404; amended Aug. 23, 1958), which was passed after full hearing and discussion on the subject and which already allows the exemptions now sought to those small crafts which provide service only to outports not receiving common carrier service at least once each week. The broadening of this relaxation for the sole benefit of one carrier seeking to provide service to major ports would constitute unwarranted special legislation.

The enactment of the presently proposed legislation for the benefit of one carrier only, to the detriment of other carriers who are now and who have for many years served the ports in question, is unwarranted and should be rejected.

Mr. GEORGE P. MILLER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. CASEY].

Mr. CASEY. Mr. Speaker, it is true this is an unusual bill. Action was taken before by this House to grant this exemption from the safety regulations of the Coast Guard in order to assure southeast Alaska fresh fruits and vegetables, and in order to furnish them with a shipping service, that they do not enjoy with the regular shipping companies. I agree with the gentleman that we should not continue to make exemptions such as this bill provides without requiring them to make some effort to come up to the standards. The only opposition we have, of course, is from the Alaska Steamship Co., which is naturally engaged in the business of supplying shipping services to Alaska. It is the only steamship line that services Alaska. Mind you, there are lots of small ports here that the Alaska Steamship Co.'s ships do not service because they cannot get in there.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. CASEY. I yield to the gentleman from Washington.

Mr. PELLY. I think just to correct the RECORD, you should state that we have a telegram in the RECORD from the Maritime Union saying they were opposed.

Mr. CASEY. Yes, you have a telegram from the Maritime Union saying they oppose it; and we also have a letter from the Longshoremen's Union of Alaska supporting the bill. The only ones who are interested in this bill are the stockholders of the Alaska Steamship Co. and the citizens of southeast Alaska. In viewing the matter as I do, I think this 2-year extension is merited at this time. I agree with the gentlemen of the committee who insisted that this report should have been beefed up, so to speak, telling them that they should get on the line. We are talking of an exemption for vessels of 150 tons or less. We are talking about vessels that are only about 60 to 65 feet long. We are talking of the type of vessels that are used in the fishing industry up there and which are not required to meet these safety regulations.

In the hearings there was a full hearing with reference to the accidents that have occurred. You will find from the hearings that the accidents consisted mostly of going aground in shallow water. I think there was one incident of a fire. There were similar accidents for the Alaska Steamship Co.

Mr. RIVERS of Alaska. Mr. Speaker, will the gentleman yield?

Mr. CASEY. Yes, I shall be glad to yield to the gentleman from Alaska.

Mr. RIVERS of Alaska. You will notice that the accidents were minor. The safety record of the operation is excellent. There is no loss of life or even loss of cargo. Even in the case of the ship that ran aground they were able to salvage the cargo. This is the record since 1954 when the service started.

Mr. CASEY. That is correct. We have got to do one of two things: Either relax the safety regulations or grant this waiver and give them time to meet the safety requirements. Under the circumstances we should pass the bill, for the people up there need this service.

Mr. Speaker, I support the bill.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. CASEY. I yield.

Mr. PELLY. I think it is only fair to say that in the report the committee has indicated that this would terminate the exemption as far as the present committee is concerned. They feel that this will give the operator ample time to comply with the requirements.

Mr. CASEY. That is true. The report indicates that the present committee does not look with favor on any further extension. It also states that they direct the Department of Commerce to review this problem for the purpose of finding a solution. The people along the coast have got to have some service.

Mr. GEORGE P. MILLER. Mr. Speaker, I yield such time as he may desire to the gentleman from Alaska [Mr. RIVERS].

Mr. RIVERS of Alaska. Mr. Speaker, I first wish to thank the distinguished chairman of the Subcommittee on Coast Guard of the Committee on Merchant Marine and Fisheries, the gentleman from Maryland [Mr. GARMATZ] for conducting 2 days of hearings, and I also express appreciation to all the members of the subcommittee and the full committee for the thorough consideration which has been given to this legislation.

This bill would extend an existing law for 2 more years, and would not cost the Government any more.

In urging passage of this legislation, which was introduced in the Senate by our former House colleague, Senator E. L. (BOB) BARTLETT, and by me in the House, I am not speaking of a matter of world shaking importance, but something which is nevertheless of the greatest consequence to our fellow citizens of southeastern Alaska and vital to their existence.

I speak of the transportation lifeline from Seattle, Wash., to southeastern Alaska through the inland waters along the coast of British Columbia, and of the need to expedite the movement of certain types of cargo, and to supplement the service of the principal carrier, Alaska Steamship Co., in serving all the ports of southeastern Alaska, including many small towns and villages either not served by Alaska Steam or served by it only infrequently and intermittently.

About 8 years ago, to solve this problem, a merchants' association made up of small businesses was formed for the operation of a few small cargo boats for the transportation of members' freight between places within the inland waters of southestern Alaska and places within the inland waters of the State of Washington, with stops at certain times of the year at Prince Rupert, British Columbia, for the purpose of delivering salmon. The association is presently using four such vessels to accomplish two round trips per week.

In view of the fact that existing law had been interpreted as not requiring a motor vessel carrying only cargo of its owner to meet Coast Guard inspection requirements it seemed only fair to allow this group of small people to do jointly with chartered motor vessels, what a big firm could do for its own account, especially in view of the fact that the regular common carrier, Alaska Steamship Co., had a monopoly on the southeastern Alaska trade, and was not in a position to give regular service to many small communities. Under these circumstances, and in 1954, Congress passed an act granting a 4-year waiver of Coast Guard inspection requirements for the chartered motor vessels in question.

In 1958 the matter came up again and the Senate passed S. 1798 providing for another 4-year waiver. This was amended by the House to provide for a 2-year waiver, and the conferees agreed upon the 2-year period. The roundtrip twice weekly of the small boats is utilized largely to haul perishable necessities such as meat, fresh vegetables, fruits, and fresh milk, and all types of cargo for the outports which is either delivered directly to said outports or transshipped over small boat docks in combination with mail boats plying to small communities where direct calls are not feasible. Although Alaska Steam recognizes the need for this outport service, it still objects. Nevertheless I know as surely as I stand here that under the unusual circumstances pertaining in southeastern Alaska, passage of this legislation to extend the Coast Guard inspection waiver is necessary and in the public interest, and the overwhelming majority of the members of the committee which reported this bill think likewise. These small boats operate only to and within the southeastern panhandle of Alaska wherein live only 15 to 20 percent of the people of Alaska.

To summarize, there is no railroad to Alaska; there is no competition with Alaska Steamship Co. in southeastern Alaska, although there is tug and barge competition to other parts of Alaska, the cargo which these small boats carry to the main ports is limited, many small outports have no service by the big company, or, at best, only infrequent and intermittent service, and the safety record of these small vessels has been excellent since 1954 involving only minor mishaps, with no loss of life or cargo and having no connection with the absence of Coast Guard inspection.

The merchants association has cast about for a permanent solution conformable to Coast Guard requirements, but finds that this is not easy. To convert these small boats to meet Coast Guard requirements is economically unfeasible, not only because of the high cost of converting, but because space taken for quarters to accommodate the enlarged crews would cut down on cargo space to the point where there would not be room enough for a payload. The association will, however, continue to look for a permanent solution. In the meantime, they must have this 2-year waiver or their charter-boat operations will be finished, with disastrous results to southeastern Alaska. I urge you with all the strength at my command to pass this bill, and the people of southeastern Alaska will join with me in being deeply thankful.

Mr. GEORGE P. MILLER. Mr. Speaker, I know of no further requests for time and move the previous question.

The previous question was ordered.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMISTAD DAM AND RESERVOIR

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12263) to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of a major international storage dam on the Rio Grande in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 18, after "maintenance" insert "on a self-liquidating basis".

Page 2, line 24, after "such" insert "self-liquidating".

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

COMMUNICATIONS ACT AMENDMENTS, 1960

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (S. 1898) to amend the Communications Act of 1934 with respect to the procedure in obtaining a license and for rehearings under such act.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill S. 1898, with Mr. ELLIOTT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the gentleman from Arkansas [Mr. HARRIS] had 7 minutes remaining, and the gentleman from Michigan [Mr. BENNETT], had 1 hour and 10 minutes remaining.

The Chair recognizes the gentleman from Michigan [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I know that many of my colleagues on the floor have wondered just how exhaustively we have gone into this particular problem because the scope of this bill is rather extensive.

Going back and reviewing the work of the Committee on Legislative Oversight, we held, roughly, 6 weeks of hearings in the spring of 1958, 28 days in the fall of 1958, and 19 days again this spring, making a total of 78 days of hearings which are encompassed in this legislation. So I think you can see that the matters dealt with in this bill have been investigated rather exhaustively.

Many people have asked me the reasons for the corrective portions of this legislation. May I say that the violations in many instances were not vicious. It rather indicated a great laxity on the part of persons who were directly involved in the ownership of stations. Many of these owners had turned their stations over to other personnel for operation purposes. There was not what I would call good supervision, with the result that you had payola of disk jockeys and other personnel within many of these stations. It is true that payola was rather widespread from coast to coast. For the most part it was contained largely in cities. We did not run into too much of it on the smaller stations. It is about like any other law which you want to put on the books; it corrects the wrongs of probably less than 2 percent of the people involved.

We have asked for what we felt were not punitive but we did feel that they were corrective measures largely because when the Communications Act was written the only penalty that the Federal Communications Act could enforce against stations was total revocation of their licenses. I think all of us realize that the Federal Communications Commission would be most hesitant to totally revoke the license of any radio or TV station that is serving a particular area. Instead of being a help, this particular provision, in my estimation, was a hindrance. There never has been a record yet of one single license that has been revoked.

In this bill what do we actually do? And I want to see if I can pinpoint that in the few minutes allotted to me.

In the first place, we found that there were in the number of applications that were made for a particular station—there could be only one successful applicant—that perhaps one or two of the applicants would get together. We found that in many of these instances one of the applicants, or if there was a merger of two applicants, would pay the other applicants off. In one instance, as recorded here in the report accompanying the bill, a payment was made of some $200,000, almost a quarter of a million dollars, to remove one particular applicant from the scene. Now, I think all of us realize that that is certainly not good morals and it is not in the public interest for one applicant in effect to buy off another applicant who is applying for the same station.

And, we do take corrective measures here in saying that in any reimbursements that are made by any successful applicant, it cannot be more than the out-of-pocket cost. That is the first corrective thing that is done.

Now, the second point. There have been a lot of questions raised about this to date, and that is with reference to suspensions and forfeitures. Now, if the Federal Communications Commission is to correct some of these things that we spent 2 years in investigating, they have to have some kind of penalty measures that they can enforce that will substantially be less than total revocation of the license of any radio or TV station, and we felt that a suspension of up to 10 days was certainly not punitive in nature. We decided that a forfeiture of up to $1,000 was not punitive but could be made with discretion by the Commission. There were some people here today who had the idea and they talked about 10 days. Well, I would submit that the Commission probably, when a matter came up, would say it might be suspension for 12 hours or maybe 24 hours. I just cannot visualize a situation where they would put anybody off the air and the community would not have the services of a radio or TV station, except under the most unusual circumstances, for as long as 10 days. We felt that this suspension feature and the forfeiture of up to $1,000 in the way of a fine was corrective action that could be taken by the Commission to straighten out some of these things which these 78 days of investigation were shown to us to be in effect.

Now, I think all of you last fall got a chance to read the newspapers on what was happening. In a general way, you became acquainted with some of the things that were going on in the radio and the TV field. We found that there were payments being made for plugs that were broadcast over radio and TV stations, but they were not known to the public; in other words, these were sort

of private, secret, under-the-table payments for plugs either to the station itself or to the personnel within the station. And, we take corrective action to prevent that.

In other instances, under this same point 3, we found free records were being distributed. The chairman pointed out yesterday that a man went up to a record company and got something like 1,000 records at one time. I do not know how many dollars were involved, but he got a whole library of records. We are seeking to prevent that, because we think that is a very cheap sort of payola.

The fourth has to do with deceptive practices. In the 28 days of hearings that we had last fall we went into the whole question of quiz shows, and that was just one feature of deceptive practices that were going on in radio and TV, but they were the ones that most spectacularly demonstrated what the problem was that we had to face up to.

Now, those are the four things we seek to correct. Now, I think this has been largely overlooked, but there is another point that I think is awfully important. Many said that when an application was made to the FCC, they locally did not know anything about it; they did not know anything about who the applicant was, especially in those cases where the applicant came from other communities than the one in which the TV station was to be located. In other words, most of the money came from outside into the community. We have provided here now by amending section 311 of the Communications Act that the Commission may in its discretion order hearings to be held locally in the place where the radio or TV station is to be located. It would be very similar to what we do in the Interstate Commerce Commission or in some of the other agencies where the Commission itself is given discrimination to decide that the hearings shall be held in the community where the activity takes place.

Second, however, and I think more important, we have now required that the applicants must give local notice. In other words, if you seek to apply for a radio or TV station it will be necessary for you now, under a rule of the Commission, to give notice locally. And I take it that probably would be in the newspapers and be posted in a way very similar to what we do in a court proceeding. That would give the people locally knowledge that you are an applicant for this local radio or TV station. But I think more important than that, if an applicant himself applies he must give notice of the fact that he has filed an application; that is first. And secondly, if any hearing is set down here in Washington upon the application that he has filed, then he also must give notice, pursuant to a rule of the Commission, back in the home community that his application has been set for hearing in Washington and that it is to be heard. We think these local hearing amendments have a great deal to recommend them. Personally I think this is one of the good things that has been done in this legislation.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from West Virginia.

Mr. BAILEY. Mr. Chairman, I should like to ask the distinguished gentleman this question. Is it true, during the hearings held by the committee, that a vast majority of the State Broadcasting Associations protested this legislation, or rather the amendment put on by the House to the Senate bill, which would impose this suspension?

Mr. SPRINGER. I will say to the gentleman that I do not know, I have not been advised of that, but it is my understanding that the National Association of Broadcasters was opposed to these two provisions which I mentioned, forfeiture and suspension.

Mr. BAILEY. In other words, a majority of them did protest. I thank the gentleman.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 30 seconds to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Chairman, I take this time in order to clarify the record. A few minutes ago I yielded to the gentleman from Pennsylvania [Mr. WALTER] when I was making some remarks relative to another matter and he made reference to an account in a New York newspaper with respect to one of the Democratic nominees for President of the United States. I am happy to say that Senator KENNEDY'S office has informed me that that report is not accurate, that now as in the past, he seeks support both for the nomination and the election, from all sections of our great country.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Chairman, the hour is late and I do not think I shall use the 10 minutes that my Chairman has so generously allotted me. There is quite a demand for time in view of the situation that developed yesterday. There are many things I think should be said, but I think instead I shall put my statement in the RECORD and direct my remarks to one or two points that are at issue this afternoon.

The question has arisen several times as to what the position of the industry was in reference to the suspension provision and to the forfeiture provision. I think the record should be abundantly clear that it was the position of the committee that for an infraction of the rules of the Commission and for other reasons as set forth in the bill, the Commission is admonished by the Committee on Interstate and Foreign Commerce to apply the forfeiture penalty for a lesser offense and before suspension or the revocation penalty.

There is some question on the part of the Members here this afternoon as to what the term "forfeiture" means, and that question has been discussed extensively. There was also a question as to what the impact of forfeiture would be on a licensee. There is a clear explanation. A forfeiture is simply a fine that the bill states the Commission may levy in their judgment up to $1,000 per day against any licensee who has violated the terms of his license, and for the other reasons as are clearly set out in the bill.

In further reference to suspension, it is my understanding that an amendment is going to be offered when we read the bill under the 5-minute rule. For your information, that will occur on page 21 of the bill in section 4. It will add that "for a willful and repeated violation" the Commission may suspend a license. The addition of those words, of course, would considerably lessen the impact of the provision. Of course I cannot state here with any assurance the amendment will be adopted. I understand there is no opposition on our side and the chairman, of course, will speak for the majority. I might add that the reasons given to the Commission for suspension are almost but not quite identical to the present provisions in the bill for revocation, and the reason for the separation of those two sections was at the suggestion of a distinguished member of the committee, the gentleman from Georgia [Mr. FLYNT]. He stated to the committee the reasons for suspension, as compared with the reasons for revocation, should be separated for clear legislative intent rather than for both to be in a single section of the bill, and the title reading "revocation and suspension."

There are many other provisions of the bill that I think have been adequately discussed. In addition, there is no question I know of about the other provisions, so I think we need not dwell on them longer.

You have, I know, received some inquiries from your local radio stations, some letters of comment, and perhaps admonition opposing these two sections of the bill. I think primarily from small broadcasters, and I am thinking primarily of radio broadcasters, who were very adamant in their opposition to this section until the forfeiture section had been added to the bill. Originally that section was not in the bill.

The bill originally provided that the least penalty was suspension, then revocation. Now, of course, the intended order of the sanction would be in this order: a forfeiture, this being up to $1,000 a day, then suspension up to 10 days, and then, of course, the ultimate penalty would be revocation itself.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. AVERY. I will be happy to yield to my friend from Iowa, who I understand is an expert and has considerable experience in the field of radio broadcasting.

Mr. KYL. I thank the gentleman. The gentleman from Iowa has been associated with these institutions but not financially in any way.

In the very excellent hearings held by the committee of which the gentleman is a member, did you uncover any gross irregularities or violations of consequence insofar as the smaller operations of the industry are concerned?

Mr. AVERY. Let me respond to the gentleman from Iowa in this manner. It is a little hard to give him a direct answer. Payola and quiz show violations were generally confined to the ma-

jor markets. The answer to the gentleman's question in that respect is, "No." Those violations were not in the smaller operations.

With respect to other possible infractions of existing law or of Commission rules, why—yes—the possibility is probably greater in the smaller stations—but certainly not by intent but usually by dereliction. You must keep this in mind. The major market licenses are extremely valuable. That would apply equally so to television and radio licenses, and because they are so extremely valuable, you can depend on the owners of those licenses not chancing any infractions. They will provide the necessary legal advice and enough talent available to assure that their operations are always going to be within the provisions of their licenses and within the regulations and rules of the Commission. When you examine the smaller operations, and I am not personally familiar with them, but I understand normally there is an engineer, an announcer, and a newscaster or maybe one person who might perform all three of those functions. So, of course, under this operation there could be a greater possibility of a minor infraction, but I know of no case where it was done willfully or where it was repeated.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. AVERY. I yield to my chairman.

Mr. HARRIS. I think in order to be correct, in answer to the question of the gentleman from Iowa, we did find there were some small radio stations who were involved with the so-called payola question. As a matter of fact, there were some of them right near Washington that were involved and had a tie-in with some Boston stations where that program came from, and the disc jockeys operating were a part of that operation. We had some of these people here as witnesses in connection with that program. I might say there are a number of small stations which the Communications Commission has information on, that did engage in violations of section 317 and they are holding up some of the licenses on renewal pending investigation at this time.

Mr. AVERY. Yes. I think probably the only difference between the chairman and myself comes back to the definition of the word "small." In my opinion, and I am not citing in detail from the record, but it is necessary to have a metropolitan market before it can be attractive or conducive to the practice. It might be a small station or a small operation, but at the same time, however, my chairman would probably agree it would have to be in a metropolitan market.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from North Carolina.

Mr. JONAS. I have asked the gentleman to yield at this time because I want to suggest to the chairman of the committee that on page 24 I have in mind offering an amendment on Monday, under the 5-minute rule, and I would like to request his consideration of it over the week-end, if we do not return to the consideration of this bill until Monday. My objection to this section on page 24 is that the commission is given authority to impose a $1,000-a-day fine on a licensee or permittee without giving him any notice that he is in violation of anything. On line 13, after the words "United States" I think, and I suggest this most respectfully to the committee, that some such proviso as this should be inserted after the words "United States" and those words are "and such failure for violation continues for (let us say) 5 days after written notice is served upon him by the Commissioner."

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BENNETT of Michigan. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. AVERY. Mr. Chairman, I hesitate to cut the gentleman off, but since my time is pretty well consumed, I have one other point I would like to make.

Because of the disclosures over quiz shows and payola, by the Oversight Committee, the entire broadcasting industry was cast in a most unfavorable light during the closing months of 1959 and early in this year. It was not unusual to daily read in the newspaper that some person, in or out of public office, would speak out against the industry and demand that all sorts of legislative and judicial sanction should be applied. I frequently heard the statement that "Congress must do something to restore the confidence of the American people in the broadcast industry." Frankly, I do not believe the American people ever lost confidence in the broadcasting industry any more than they lost confidence in professional baseball despite a few unfortunate incidents that developed in the growth and development of that great all-American sport.

You might reflect for a minute on how many letters you have received from your constituents urging you to work for the passage of this bill. There is the continuing objection to commercials as a part of the format of a broadcast program, both as to frequency and as to content. There is nothing in this bill to lend relief to that objection; it could make it worse.

I am further convinced that there were several groups, economic and political, who reasoned that the impact of the quiz shows and payola charges had the industry in such a defensive position that they were proceeding on the principle of "striking while the iron was hot" so to speak, in the way of invoking controls and restrictions on broadcasting, even including program control.

I was somewhat disappointed that the industry did not defend itself more vigorously against these charges. In view of the tabulation of the extent of payola, the broadcasting industry could have made a good case for itself.

In the first place, only a few major markets contained the characteristics and necessary ingredients to make payola work. For instance, there are about 3,500 AM stations in the United States, and it is calculated there are about that many diskjockeys, with only about 1,000 of them working in markets conducive to a payola practice. Of this number, it has been established that 207 individuals and 12 licensees had accepted any payments. These are small percentages for the overall industry and it is unfair to virtually indict the entire industry.

Although it is not a matter of record—hearing record—I am further advised that many songwriters, artists, and producers have made promotional payments for many years, but until relatively recently it has not been considered any violation of any Federal or State law. Since licenses are awarded only under conditions authorized by the Congress and the airwaves have been preempted as public domain, Congress is taking action to stop this practice. The broadcasters want it stopped as it would appear to me every subterfuge adopted by the program directors, diskjockeys, and so forth, to accept a payment or favor, is depriving the licensee of some potential revenue by the usual commercial sold by the industry. Again, I suggest that the industry can point to the fact with considerable satisfaction that only 12 licensees were involved in the practice, less than three-tenths of 1 percent.

In other words, these undesirable practices were carried on largely outside of the knowledge and consent of the licensee. New subsection (b) to section 317, would require the employee or person connected with the station to notify the station and announcement made as though the station had received the payment. This places the responsibility of announcing all payments received by the program directors, other employees, and the licensee for broadcast material.

This bill should pass, Mr. Chairman, but the House should understand that it in no way is designed to censor or otherwise regulate broadcast programing. If I thought there was even a remote possibility of such program control, I should be in the well of the House urging you to vote against this legislation. There is no distinction between censoring and program control any more than there is a difference between censorship and a controlled press. It should always remain the responsibility of this body to protect forever the right of freedom of speech through this media as long as it does not violate the specific prohibition now in the Federal Communications Commission Act; namely, profanity, obscenity, or games of chance.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. HARRIS. Mr. Chairman, will the gentleman yield me 1 minute?

Mr. BENNETT of Michigan. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas.

Mr. HARRIS. Mr. Chairman, I have asked for this time to answer the gentleman from North Carolina.

Certainly we will be glad to consider the suggestion of the gentleman from North Carolina, but I think when we get to it and I have opportunity to explain how the forfeiture works the gentleman will understand it better.

The forfeiture clause, incidentally, was proposed by the gentleman from Kansas [Mr. AVERY], a member of the committee. The way the forfeiture works being applied by the Commission, will, of course, put the man on notice.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. JONAS. All I know, of course, is what the bill says.

Mr. HARRIS. I realize that, but when we get to explaining and discussing it I am sure we will clear it up for the gentleman.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HARRIS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MACDONALD].

Mr. MACDONALD. Mr. Chairman, I thank the gentleman for yielding me this time which I desire in order to clear up some statements that were made on the floor earlier this afternoon.

I have here a statement which was released today by the junior Senator from my State, Massachusetts, concerning the matter which was discussed by the gentleman from Pennsylvania and the gentleman from Louisiana this morning:

In answer to a number of newspaper inquiries, Pierre Salinger, press secretary for Senator KENNEDY, issued the following statement:

"Senator KENNEDY yesterday in New York, in answer to a question, stated that he expected that almost all of the delegates from the Southern States will be pledged in support of Senator JOHNSON at the Democratic Convention in Los Angeles. This has been made clear by Senator JOHNSON as well as many of the leaders of southern delegations.

"He said despite the fact that he, Senator KENNEDY, had little delegate support from the South, he hoped and expected that he would win the nomination. This is a statement that he has made on several occasions in the past.

"Senator KENNEDY has always made it clear that he would be happy to receive the help and support of delegates from any section of the country. Furthermore, he hopes that if he is successful in receiving the nomination in Los Angeles, that he will have the help and assistance of a united Democratic Party in all sections of the country—North, South, East, and West."

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HARRIS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. I yield to the distinguished majority leader.

Mr. McCORMACK. Of course we Democrats in Massachusetts know, with most of the newspapers Republican, that they distort what Democrats say in order to try to create misconception, confusion, and bring about division.

I knew after reading the newspaper that Senator KENNEDY never made that statement; I knew he was misquoted and taken out of context. But we in Massachusetts have had experience with that from the Republican press. However, we at least expect intellectual honesty at the national level.

Mr. MACDONALD. I agree with the gentleman.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Is a Democratic convention being held this afternoon in the Chamber, or will it be held next month?

The CHAIRMAN. The Chair will state to the gentleman that that is not a parliamentary inquiry.

Mr. HARRIS. Mr. Chairman, I move that the Committee do now rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ELLIOTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1898) to amend the Communications Act of 1934 with respect to the procedure in obtaining a license and for rehearings under such act, had come to no resolution thereon.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. ROGERS for 10 minutes tomorrow.

Mr. CONTE (at the request of Mr. CHAMBERLAIN) for 30 minutes on June 30.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

The following Member (at the request of Mr. McCORMACK) and to include extraneous matter.

Mr. SHIPLEY in three instances.

The following Members (at the request of Mr. CHAMBERLAIN) and to include extraneous matter:

Mr. DAGUE.

Mr. DOOLEY.

Mr. BERRY.

Mr. CAHILL.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 609. An act for the relief of the estate of Gregory J. Kessenich; to the Committee on the Judiciary.

S. 817. An act for the relief of Freda Feller; to the Committee on the Judiciary.

S. 2131. An act to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia approved May 25, 1954, as amended; to the Committee on the District of Columbia.

S. 2581. An act to amend the Act of June 1, 1948 (62 Stat. 281), to empower the Administrator of General Services to appoint nonuniformed special policemen; to the Committee on Government Operations.

S. 2692. An act to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and facilities, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the general welfare, and for other purposes; to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1516. An act for the relief of Juan D. Quintos, Jaime Hernandez, Delfin Buencamino, Soledad Gomez, Nieves G. Argonza, Felididad G. Sarayba, Carmen Vda de Gomez, Perfecta B. Quintos, and Bienvenida San Agustin;

H.R. 1600. An act for the relief of Francis M. Haischer;

H.R. 4251. An act to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of exploration expenditures;

H.R. 5033. An act for the relief of Betty Keenan;

H.R. 6712. An act for the relief of Sam J. Buzzanca;

H.R. 9921. An act to validate certain payments of additional pay for sea duty made to members and former members of the United States Coast Guard;

H.R. 10569. An act making appropriations for the Treasury and Post Office Departments, and the Tax Court of the United States for the fiscal year ending June 30, 1961, and for other purposes; and

H.R. 12705. An act to delay for 60 days in limited cases the applicability of certain provisions of law relating to humane slaughter of livestock.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2618. An act to authorize the exchange of certain war-built vessels for more modern and efficient war-built vessels owned by the United States.

LIFE AND TIME MAGAZINES

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. RHODES] is recognized for 60 minutes.

Mr. RHODES of Pennsylvania. Mr. Speaker, I regret that it was not possible for me to address the House as I planned.

I requested this time to discuss the intellectual dishonesty of the publishers of Life and Time magazines and to give some facts, figures, and information to prove my charge.

I have been granted a special order for next Tuesday when I will make the remarks I planned for today.

I welcome my colleagues to participate in this discussion next Tuesday. My remarks made last Friday on this subject were given the silent treatment in the press. Members who did not hear or read this statement will find it in the RECORD of Friday, June 17, on page 13170.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. HOFFMAN of Michigan. I withhold it.

DISTRICT OF COLUMBIA COMMITTEE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Saturday night to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MORSE AS U.N. DELEGATE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentlewoman from Oregon [Mrs. GREEN] may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, the President has appointed Senator WAYNE MORSE of my State of Oregon as a member of the American delegation to the forthcoming session of the United Nations General Assembly.

This appointment is a source of real pride to the State of Oregon, and to me as one of its Representatives. Senator MORSE'S unyielding devotion to the cause of world peace, and the authority with which he speaks as a nationally recognized student of international law, qualify him superbly for this vital assignment. His membership on the Senate Foreign Relations Committee, and his service as Chairman of the Latin-American Affairs Subcommittee have given him insights into both the objectives and the implications of our foreign policy which can be equalled by few appointees to Assembly delegations, and surpassed by none.

Senator MORSE'S splendid record of service to his country will be further enhanced by his service at the General Assembly.

In the Salem, Oreg., Statesman for June 17, 1960, there appeared an editorial in regard to Senator MORSE'S appointment. This editorial's significance is increased by the fact that the editor of the Statesman, the Honorable Charles Sprague, was himself an outstanding member of the U.S. delegation to the 7th General Assembly in 1952. Former Governor Sprague's commendation of Senator MORSE'S appointment is, for this reason, of particular importance.

The editorial reads as follows:

MORSE AS U.N. DELEGATE

Senator WAYNE L. MORSE, of Oregon, has been nominated by President Eisenhower to serve as delegate to the forthcoming session of United Nations General Assembly. It has been the custom to pick 2 of the 10 delegates and alternates from either the Senate Foreign Relations Committee or the House Foreign Affairs Committee. The Senate Committee has its turn this year, and MORSE is in line on point of seniority on the committee. His colleague will be Senator GEORGE AIKEN of Vermont.

This is a fine position for MORSE, giving him an opportunity to employ his great capabilities in a field where he has been specially interested—international affairs. Some concern has been expressed over whether he will "kick the traces" in his assignment which puts him under the authority of the President and the State Department. We do not think he will. A delegate is in the same position as an ambassador: he carries out the policy laid down by the State Department. This doesn't mean the delegate is merely an echo. In practice the whole delegation meets at regular intervals, goes over the matters which are current, debates procedures, and a delegate is free to express his opinions on policies. In the end the decision of the State Department or the White House, if the issue is carried that far, prevails for there can be no division in representing our Government's position. Senator MORSE will respect that. If his views are greatly at variance with the Department's he will ask for another agenda item in another committee.

MORSE has indicated his desire to put in his licks to promote world peace through extending the judicial process. As a principal mover of the bill for adherence to the World Court he has long worked for establishment of a system of world law enforced through a court system. At the U.N. General Assembly he will be in daily contact with delegates from other nations who have similar interests.

Last year Senator and Mrs. Morse made a trip to Latin American countries in pursuit of his duties as member of the Foreign Relations Committee. His report was a frank yet temperate document which pointed out problems in our relations to these countries and ways for improving them. Now that he is on the sidelines in the Democratic presidential hassle he can concentrate on the work of his fall assignment. He has an opportunity for constructive service.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. RHODES of Pennsylvania. I yield to the gentleman from Florida.

THE UNITED STATES, LEADER OF THE FREE WORLD

Mr. ROGERS of Florida. Mr. Speaker, the United States lays claim, and I believe rightfully so, to the title of leader of the free world. This claim of leadership has been recognized and acknowledged by free men everywhere.

We have not come by this title through passiveness and inactivity: on the contrary, we are leaders today because down through the years we have waged a relentless campaign against those forces of political, economic and military aggression which sought to work their will on free men, wherever they have existed.

We are leaders because we have developed and used the tools of enlightened leadership at our disposal; the resources of our Nation and the stamina and initiative of our people welded together with a sense of responsibility.

We are leaders because our democratic way of life holds out hope to a world beset with turmoil and uncertainty.

We have not risen to this position of trust and respect because we lacked foresightedness and initiative: rather, in the past we have been quick to recognize danger for what it was and to take positive, determined actions to counteract it.

The need for positive, determined action on our part was never more obvious than it is today with respect to the decidedly pro-Communist tendencies of the present Cuban regime. Relations between the United States and the present Cuban Government have suffered rapid and serious deterioration to the point where the historical ties of friendship which have always bound us to the people of Cuba have been strained almost beyond repair.

An anti-Democratic, pro-Soviet line has been in evidence almost since Castro's revolutionary movement succeeded in ousting the dictator Batista and his followers. Since that time, Castro has heaped indignity after insult on the United States in a series of incessant, irresponsible harangues evidently designed to focus the attention of the free world away from his own now apparent objectives. He has surrounded himself with a group of professional revolutionaries and agitators, a number of whom are known graduates of the Kremlin schools of political warfare. Under the guise of liberators, he and his underlings seek to foment revolution and discontent among other Latin American Republics. He has shown an utter disregard for the truth, seeking instead by intimidation, fabrication, and innuendo, to brand the United States as an oppressor nation in the eyes of the world.

The Communist pattern of take-over is marked and unmistakable. The prompt elections promised during the revolution have not materialized and are not expected to in the foreseeable future. Schools have become vehicles for the dissemination of Communist propaganda. The church, always one of the most deeply rooted institutions south of the border, has denounced the pro-Communist leanings of the revolutionary government time and time again. Anyone who dares to criticize or oppose the activities of the government is promptly branded as a "counterrevolutionary" and imprisoned or executed after a "circus" atmosphere trial which makes a mockery of justice. The press and radio have ceased to exist as free entities despite Castro's previctory promises of "free and untrammeled" communications. It is all too apparent that the so-called political revolution is, in truth, an anti-Democratic revolution aimed at establishing a Communist stronghold in the Western Hemisphere a scant 90 miles from our coast.

Throughout this hate-America campaign, our official position has been characterized by remarkable restraint. Our attempts to resolve the difficulties arising from actions of the revolutionary government through the respected methods of diplomatic negotiation have been rebuffed at every turn. When American investments in Cuba were, in effect, confiscated, Castro replied to official notes of protest that U.S. investors would be reimbursed with Cuban bonds. To date, no investor has been reimbursed and the bonds are considered by experts to be virtually worthless.

A series of notes on subjects ranging in scope from our position on Guantanamo Bay to our arms policy have been presented to Castro, who has, without exception, either ignored, or rejected, their contents.

On at least two occasions, Ambassador Bonsal has been recalled for high-level talks on the overall situation in Cuba and each time these conferences have resulted in a reaffirmation of a no-change "wait and see," "note negotiation" policy.

Congressional demands for economic sanctions have been stayed thus far by State Department reassurances that a number of alternative proposals were under consideration. At the same time Castro continues to conclude agreements with the Soviets and their satellites using sugar as political specie.

Mr. Speaker, I do not pretend for a moment that the situation we face in Cuba is easy of solution. I fully appreciate the delicacy of our position.

My point is this—by adhering to a "note-negotiation" policy in the face of mounting tensions and open Communist activity, are we really providing the type of leadership which the free world has come to know and expect?

It seems to me that such a policy is based on the hopeful assumption that the Castro regime is a transient thing—here today, gone tomorrow, so to speak. Such a policy does not take into account the fact that the revolutionary government has effectively stifled freedom of the press, radio and other media of communication, and has engaged in systematic elimination of all those who have dared to speak out in opposition.

It would seem, then, that if Castro is able to perpetuate his regime in such a climate of suppression and force, free nations of the Western Hemisphere must devise other means to cope with the spread of the ideology which his government seeks to foster on this continent.

Thus far, the United States has strictly adhered to a policy of nonintervention in the domestic affairs of Cuba even in the face of such provocation as we have been subjected to.

The rapid spread of Communist activity in Cuba, however, has grown to such proportions that it has transcended the realm of Cuban-American relations and now threatens the collective security of the entire hemisphere.

I would suggest a course of multilateral action through the Organization of American States designed to stem the spread of communism in the Western Hemisphere before it gains a substantial foothold. It must be remembered that some of the other nations in this hemisphere are a good deal more vulnerable than we are because, in many instances, they lack economic and military strength comparable to our own. These nations are the real targets of this insidious conspiracy.

I would ask that our Secretary of State immediately request a meeting of consultation of Ministers of Foreign Affairs of American States in accordance with the charter of the Organization of American States for the avowed purpose of considering collective action necessary for defense against the aggressive activities of international communism. It is my feeling that further delay in instituting concerted action is not consistent with our position as leader of the free world. It is not unreasonable to speculate that the smaller nations in Latin America have been waiting patiently for us to initiate positive action. As the leader of the free world, they have every right to expect positive action from us. Further delay might well result in a misinterpretation of our objectives or a loss of respect for our leadership ability. If we are leaders, we must lead rather than wait for another nation to take the initiative—and then simply follow.

The nations of the Western Hemisphere must take official cognizance that the threat of communism from the Cuban beachhead is of an immediate and urgent nature and proceed to formulate a plan for concerted action. Such a meeting as I propose could do this effectively.

Since the formation of the Organization of American States, five such meetings of consultation have been convoked to consider urgent matters. The meeting of 1951 in Washington was called for the express purpose of considering prompt action by the republics of the Western Hemisphere for common defense against the international Communist conspiracy. At that time, primary concern was centered on the Korean conflict and the situation with respect to the present condition in Latin America was not yet in evidence.

I submit that the situation which prevails today is every bit as urgent as that which prompted the meeting in 1951. That meeting resulted in the further solidification of the Republics of this hemisphere in their determination to resist communism and I feel that a reaffirmation of that sentiment together with a concrete plan for molding this sentiment into an effective anti-Communist program is of the upmost importance.

I am today submitting a resolution expressing the sense of Congress that such a meeting as I have outlined be called immediately for the purposes stated. The time for positive unified action is past due. The free peoples of this hemisphere cannot afford to let the proposed August visit of the Soviet leader to the land he hopes to dominate go unnoticed and unanswered.

Mr. HOFFMAN of Michigan. Mr. Speaker, I will either have to make a point of order now or withdraw them all, unless being assured that there will be no unanimous-consent request that we meet tomorrow before 12. Now, if they make it, I am going to insist, because there are 60 minutes here and this 30 minutes, and I understand the gentleman will extend his remarks.

The SPEAKER. Will the gentleman from Pennsylvania yield for presenting personal requests?

Mr. RHODES of Pennsylvania. I yield to the distinguished Speaker.

Mr. McCORMACK. The gentleman from Michigan knows, or he ought to know, that he is on sufficient speaking terms with me, although at times I doubt whether I am with him, that he could come over and ask me if I was going to make that request again. I was sort of sitting here with amusement, because I said I will stay around here and let the gentleman hang around—a little punishment, a little purgatory.

Mr. HOFFMAN of Michigan. I thought that was the purpose.

Mr. McCORMACK. Sure. You deserve it. Now, if you ask me, the answer is, no, I do not intend to do it, and I would not do it unless you tell me——

Mr. HOFFMAN of Michigan. I am not running over there. You can be assured of that.

Mr. McCORMACK. You are asking me more than coming over. If you were a gentleman, you would have reserved the right to object.

Mr. HOFFMAN of Michigan. Never mind about the gentleman business. You claim to be a gentleman.

Mr. McCORMACK. The gentleman at least could have reserved the right to object when a unanimous-consent request is made without saying "I object."

Mr. HOFFMAN of Michigan. That is right.

Mr. McCORMACK. Outside I will tell you what I think of such a person.

Mr. HOFFMAN of Michigan. Well, you can tell me now if you want to, if you stay within the rules.

Mr. McCORMACK. I have too much respect for the House.

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MUMMA (at the request of Mr. DAGUE) on account of illness.

Mr. DAVIS of Georgia for 10 days on account of business in home district partly official, partly personal.

Mr. ROOSEVELT for June 25, 1960, on account of official business in his district.

Mr. WOLF for June 25, Saturday, and June 27, Monday, on account of official business.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 14 minutes p.m.) the House adjourned until tomorrow, June 25, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2297. A letter from the Acting Secretary of Labor, transmitting a report of a violation of section 3679(h) of the Revised Statutes, pursuant to section 3679(1)(2) of the Revised Statutes; to the Committee on Appropriations.

2298. A letter from the Acting Secretary of the Treasury, transmitting a report of the U.S. Secret Service covering restoration of balances withdrawn from appropriation and fund accounts under the control of the Treasury Department, pursuant to section 1(a)(2) of the act of July 25, 1956 (70 Stat. 648) (31 U.S.C. 701(a)(2)), 84th Congress; to the Committee on Government Operations.

2299. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 1, 1960, submitting an interim report, together with accompanying papers and illustrations, on Chicopee River Basin, Mass., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted September 14, 1955, and authorized by the Flood Control Act, approved August 28, 1937 (H. Doc. No. 434); to the Committee on Public Works and ordered to be printed with five illustrations.

2300. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 1, 1960, submitting a report, together with accompanying papers and illustrations, on a survey of fresh water bayou and vicinity, Louisiana, made in partial response to the Flood Control Act, approved December 22, 1944, and the River and Harbor Act, approved March 2, 1945 (H. Doc. No. 435); to the Committee on Public Works and ordered to be printed with two illustrations.

2301. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 1, 1960, submitting a report, together with accompanying papers and an illustration, on a review of reports on Calcasieu River and Pass, La., requested by resolutions of the Committee on Public Works, U.S. Senate and House of Representatives, adopted on June 4, 1956 and June 27, 1956 (H. Doc. No. 436); to the Committee on Public Works and ordered to be printed with one illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WILLIS: Committee on the Judiciary. S. 1806. An act to revise title 18, chapter 39, of the United States Code, entitled "Explosives and Combustibles"; with amendment (Rept. No. 1975). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. S. 3160. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the State of Idaho as a Territory; without amendment (Rept. No. 1976). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. S. 3532. An act to provide for the striking of medal in commemoration of Century 21 Exposition to be held in Seattle, Wash.; without amendment (Rept. No. 1977). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. House Joint Resolution 713. Joint resolution to authorize the use of surplus grain by the States for emergency use in the feeding of resident game birds and other wildlife, and for other purposes; without amendment (Rept. No. 1978). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 12336. A bill to amend section 507 of the Classification Act of 1949, as amended, with respect to the preservation of basic compensation in downgrading actions; without amendment (Rept. No. 1979). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Eighteenth report on land appraisal practices; without amendment (Rept. No. 1980). Referred to the Committee of the Whole House on the State of the Union.

Mr. LESINSKI: Committee on Post Office and Civil Service. H.R. 543. A bill to amend the Classification Act of 1949, as amended, to provide a formula for guaranteeing a minimum increase when an employee is promoted from one grade to another; with amendment (Rept. No. 1981). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 12043. A bill to amend sections 22, 23, and 24, title 13, United States Code, and for other purposes; without amendment (Rept. No. 1982). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 11561. A bill to authorize and direct the Secretary of the Army to convey part of lock and dam No. 10, Kentucky River, Madison County, Ky., to the Pioneer National Monument Association for use as part of a historic site; without amendment (Rept. No. 1983). Referred to the Committee of the Whole House on the State of the Union.

Mr. PORTER: Committee on Post Office and Civil Service. H.R. 12663. A bill to preserve the rates of basic salary of postal field service employees in certain cases involving reductions in salary standing, and for other purposes; with amendment (Rept. No. 1984). Referred to the Committee of the Whole House on the State of the Union.

Mr. TRIMBLE: Committee on Rules. House Resolution 569. Resolution providing for consideration of H.R. 12759. A bill to amend title V of the Agricultural Act of 1949, as amended, and for other purposes; without amendment (Rept. No. 1989). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. H.R. 2074. A bill for the relief of Eric and Ida Mae Hjerpe; without amendment (Rept. No. 1985). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 6084. A bill for the relief of J. Butler Hyde; with amendment (Rept. No. 1986). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9417. A bill for the relief of Harry Kaloian; with amendment (Rept. No. 1987). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 11756. A bill for the relief of Cato Bros., Inc.; with amendment (Rept. No. 1988). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER:

H.R. 12805. A bill to require detailed accounting by Members of the House of Representatives in the case of travel expenses, and for other purposes; to the Committee on House Administration.

By Mr. HENDERSON:

H.R. 12806. A bill to amend the Internal Revenue Code of 1954 by adding thereto a new chapter, to establish a sickness insurance account with respect to railroad employees, to amend the Social Security Act, and for other purposes; to the Committee on Ways and Means.

H.R. 12807. A bill to provide in certain cases for the payment of additional monthly insurance benefits under title II of the Social Security Act to the dependents of a disabled individual, where timely application for such benefits was in effect prevented by delays in the final determination of such individual's disability; to the Committee on Ways and Means.

By Mr. HULL:

H.R. 12808. A bill to authorize the erection of a memorial in the District of Columbia to Gen. John J. Pershing; to the Committee on House Administration.

By Mr. PHILBIN:

H.R. 12809. A bill to authorize a refund of social security taxes (and the cancellation of any wage credits resulting therefrom) in the case of a nonresident alien who is in the United States for a period of 5 years or less to obtain education or training; to the Committee on Ways and Means.

By Mr. BROCK:

H.R. 12810. A bill to amend title III of the act of March 3, 1933, commonly referred to as the Buy American Act, with respect to determining when the cost of certain articles, materials, or supplies is unreasonable; to the Committee on Public Works.

By Mr. FERNÓS-ISERN:

H.R. 12811. A bill to convey properties to the Commonwealth of Puerto Rico; to the Committee on Government Operations.

By Mr. MOORE:

H.R. 12812. A bill to assist areas to develop and maintain stable and diversified economies by a program of financial and technical assistance and otherwise, and for other purposes; to the Committee on Banking Currency.

By Mr. McGINLEY:

H.R. 12813. A bill to amend the Budget and Accounting Act, 1921, to provide for the retirement of the public debt by setting aside the first 5 percent of the budget receipts of the United States for each fiscal year for the sole purpose of retirement of obligations counted as part of the public debt; to the Committee on Government Operations.

By Mr. ROGERS of Florida:

H. Con. Res. 704. Concurrent resolution expressing the sense of the Congress that the Secretary of State should promptly request that a meeting of consultation of Ministers of Foreign Affairs be called in accordance with the Charter of the Organization of American States to consider measures necessary for common defense against aggressive activities of international communism; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Louisiana, memorializing the President and the Congress of the United States to propose to the people an amendment to the Constitution of the United States, or to call a convention for such purpose as provided by article V of the Constitution; which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLEY:

H.R. 12814. A bill for the relief of Domenica Riccobono; to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 12815. A bill for the relief of Boris Petrinovic; to the Committee on the Judiciary.

By Mr. HIESTAND:

H.R. 12816. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of George Edward Barnhart against the United States; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 12817. A bill for the relief of Bartolome Sorisantos Regino; to the Committee on the Judiciary.

By Mr. RAY:

H.R. 12818. A bill for the relief of Carmela Parisi; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 12819. A bill for the relief of Krystyna Teresa Kornak; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 12820. A bill for the relief of Nicholas E. Villareal; to the Committee on the Judiciary.

By Mr. TAYLOR:

H.R. 12821. A bill for the relief of A. N. Deringer, Inc.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

508. The SPEAKER presented a petition of Francis Jean Reuter, Charlottesville, Va., relative to a redress of grievance against agencies of the Government and asking for restitution and compensation, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Life Article Unfair

EXTENSION OF REMARKS
OF
HON. EDWIN B. DOOLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1960

Mr. DOOLEY. Mr. Speaker, the derogatory article by Walter Pincus and Don Oberdorfer in a recent issue of Life magazine was a great disservice to the Congress.

Congressmen who have risked their lives on so-called junkets carrying them at times to such places as the Antarctic polar regions, often necessitating their flying through fog and storm over barren wastelands where the chance of survival if grounded would be remote, were pilloried for expenditures of a few dollars. Under careful analysis even the expenses in question could be properly accounted for save in one or two instances of fiscal abuse.

Since my name was mentioned in the Life magazine article I wish to point out that the dinner at the Orienta Beach Club, which was criticized by innuendo, was for some 20 people. The club insisted that the check be paid by a member, so consequently I paid the check and was reimbursed for it later on by the House Public Works Committee. This was a simple and honest business procedure and it reflected ill on no one. The Congressmen and the Congresswoman present paid to the committee their share for their spouses' expense on the cost of the meal. I was entitled to reimbursement as it was a legitimate committee expense.

When I spoke with Mr. Oberdorfer about the injustice of the article and the damage it had done to me by making me guilty by association, he explained that the only reason he mentioned my name was because he wanted to show that the committee dined at a club, this attitude being in keeping with his theme of expensive traveling and high living.

The Orienta Beach Club is one of the finest clubs in New York's Westchester County. It is strictly a family club where conservative living and entertaining is emphasized.

In order that those who are concerned about this affair should know the facts, I dispatched a letter to some of my friends in my constituency delineating various aspects of the trip and indicating why the expense was necessary. The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1960.

DEAR CONSTITUENT: Recently Life magazine carried a story on congressional spending.

I was mentioned and placed in a situation where, because of being included with other Congressmen who were pilloried by the printed word, I was regarded by some as guilty by association.

Let me clarify the issues as succinctly as I can.

First, I permitted the House Public Works Committee to hold a dinner meeting at the Orienta Beach Club on the occasion of one of its inspection trips because the club had the proper facilities and was close to the harbors and roads which were scheduled for inspection.

At the time I had two pieces of legislation pending in the House before the Public Works Committee. One had to do with the deepening of the East Basin at Mamaroneck Harbor and the other provided for a study of Port Chester Harbor.

Since it is a rule of the Orienta Beach Club that a member sponsor each party held there and pay for the same, I sent a check for the dinner costs. I was later reimbursed by the Public Works Committee, at the direction of the chairman of the committee, a perfectly honorable and normal transaction. However, Life magazine seems to attach some evil innuendo to this honorable piece of business.

I might mention that I did not bill the committee for the party which my wife gave for the wives of the Congressmen at the Stork Club earlier that day. She paid for that herself. We did not want or expect reimbursement. We felt it was our duty to be as hospitable and courteous to our friends as we could.

As for the payment of my wife's expenses. I have canceled checks for any and every expense she incurred as my companion on Congressional study trips. I always paid my bills for transportation, lodging, and sustenance as soon as the committee billed me. My checks were drawn to the order of the hotels at which we stayed, and to the railroads, ships, or airlines on which we traveled. These checks are available to any responsible person wishing to see them.

Let me add, by way of explanation, that if Congressmen do not travel in behalf of their committees they are liable to approve expenditures of vast sums of money needlessly because they cannot know the facts at first hand.

I have learned more about roadbuilding and public works by visiting the Ottawa Road Experimental Installation in Illinois, the harbors for which Federal funds are being sought, and the sites where public buildings are to be erected, costing millions of dollars, than by intensive reading of literature pertaining to the same.

In this complex world it is necessary for a Congressman to inspect certain sites and facilities in order to know his subject and to ascertain what is taking place in certain areas. Only a provincially minded person would try to decide on the wisdom of an expenditure without studying the facts thoroughly and seeing and knowing the project intimately.

I have no apology for the trips I made in behalf of my committee.

I have traveled by train, bus, plane, and car, often at great inconvenience and under trying circumstances. I feel it is part of my duty as a Congressman.

Travel is not new to me. I have seen much of the world, having taken a long trip to Africa, Europe, Scandinavia, South America, and the Antilles in 1938.

I feel that in serving my Public Works Committee I am serving my constituency and my country in accordance with my oath of office.

Sincerely yours,

EDWIN B. DOOLEY.

Great Distinction for the Lenker Family

EXTENSION OF REMARKS
OF
HON. E. Y. BERRY
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 1960

Mr. BERRY. Mr. Speaker, I rise to call attention of the House to the fact that the South Dakota American Legion at their convention last week made history when they selected Bill Lenker, of Sioux Falls, as the American Legion department commander for South Dakota.

This is only the second time in the Legion history of the State that a father and son have held the position of State Commander. Commander Bill's father, Dr. Carle B. Lenker of Winner, held the position of department commander for South Dakota in 1926.